

THE  
PROSPECTIVE REVIEW.

No. XIV.

ART. I.—LIVES OF THE LORD CHANCELLORS.

*The Lives of the Lord Chancellors and Keepers of the Great Seal of England, from the earliest times till the reign of King George IV.* By John Lord Campbell, LL.D., F.R.S.E. 7 vols. 8vo. J. Murray. 1847.

ONE of the forms in which the improvement of the times shows itself most distinctly, is in our altered estimate of the various modes, useful, injurious, or merely useless, which man invents to develop and exercise his powers. The signs of this progress are no where more manifest than in the treatment of History: and a most happy conception for the illustration of these our sounder views, is the plan of passing the Prince by, for the nonce, and forming a continuous biography of a series of individuals who have held some important subordinate position.

In English History Miss Strickland led the way, with her “Lives of the Queens of England.” Though this is not a work of high rank, it has not been without its use; and this not so much by laying before us what is called the back-stairs influence of Courts, with its intrigues and scandal, as by showing us the private character and casual motive, often the most influential causes of important events. Lord Brougham’s “Lives of Eminent Statesmen,” though too sketchy, is a work with greater claims. But the subject chosen by Lord Campbell—in “The Lives of our Chancellors,”—is probably the most judicious that could have been selected, and, in able hands, would form a work of the very highest value.

Lord Campbell seems to have been fully aware of this his position, for his volumes evince no small ambition. We are sorry, however, to say that this is shown chiefly

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by traits of vanity, which we may content ourselves with calling amusing. Very small are the pretensions which the execution of the work is entitled to make. Neither the style nor substance admit of much encomium; nor, but for these hints from our author, should we have imagined much was expected.

In the Preface we read:—

“ When suddenly freed in the Autumn of 1841 from professional and official occupations, I revelled for a while in the resumption of my classical studies, and in the miscellaneous perusal of modern authors. By degrees I began to perceive the want of a definite object. I recollect what Lord Coke and Lord Bacon say of the debt due from every successful lawyer, and I felt within me a revival of that aspiration after literary fame, which in my most busy days I was never able entirely to extinguish.”

And then, after having revised his speeches, he resolved to write the work now before us. The preface to the second part tells us the author is ambitious that his book may be studied as a History of our Jurisprudence from the foundation of the Monarchy; and the first preface concludes, “ and above all, that it may excite the young student of the Law to emulation and industry, and confirm in his mind the liberal and honourable maxims which ought ever to govern the conduct of an English Barrister.” Then in the life of Lord Somers we find, “ Lord Somers presents the *beau ideal of an Ex-Chancellor*,—active in his place in Parliament, when he could serve the state, and devoting his leisure to philosophy and literature.”—Vol. iv. p. 174. And each retired Chancellor in turn is measured by his devotion to literature.

It is singular to find our author while thus leaving his professional career, to aspire after literary fame, himself calling our attention to this common perversion. He instances Dr. Johnson’s preference for judicial honour. We doubt, however, whether Dr. Johnson would have gone as far as Lord Campbell does. We may perhaps agree with him in preferring the fame of Dr. Johnson to that of Lord Hardwick; but this arises from our intimate acquaintance with, and high opinion of the personal character and mental powers of, Dr. Johnson. His authorship enters but little into our estimate. When Lord C. goes on to say:—“ A man desirous of solid fame would rather have writ-

ten the Rambler or, &c., than have delivered all Lord Hardwick's speeches in Parliament, and all his judgments in the Court of Chancery,"—we are at direct issue with him, and we trust that we carry our readers with us. Had Lord Hardwick's career and character been as well known as Dr. Johnson's, we are far from sure that he would not have stood the higher of the two. But whether equally blazoned abroad or not, the exalted position, and the noble and enlightened conduct in it, of a high-minded Statesman, like Lord Hardwick, in the improvement of institutions, and the advancement of liberal views and high principles, render service to his country and mankind—as compared with which, it were pure trifling to name the labours of the mere man of literature.

We have further specimens of the vanity of our author in his notes. No small portion of these are only references to what "*I*" did, as Attorney-General, or as a Legislator. This drawback detracts even from our pleasure in perusing the grateful record of the assistance Lord Campbell met with, when "poor and friendless," from the late Lord Cowper, and from Mr. Warren, of whom he is the fourth pupil who has attained the Peccage. It is but too evident that here (as where elsewhere, he compares the career of the son of a Chancellor with that of a "son of a poor Scotch parson"), he feels he is calling attention to the great ability of one self-raised so high. This cannot be better expressed than in the words Lord Campbell himself applies to Lord Erskine. "This speech is very characteristic of the vanity which under the garb of humility he was accustomed to exhibit."—Vol. vi. p. 389.

There is nothing worthy of much note in Lord Campbell's style. When judgment of death is pronounced, it is said to be "solemnly *intimated*" to the offender. There is evidence of considerable diligence in his Lordship's researches. They extend too from the driest Law Records to Mrs. Manley's scurrilous libels in the *New Atalantis*. An important debate is followed by a tale of "The Lord High Chancellor, and the Prime Minister when tipsy, mistaken for Highwaymen and fired at."\* Our author's serious researches, however, often only expose the barrenness of his materials. This appears to have led him to place more

\* We are sorry to say these were Statesmen of the 19th century.

reliance than is usual on such documents as Dr. Johnson's Parliamentary Debates. This he justifies on the ground of the sanction they have to some extent received on a comparison with Archbishop Secker's private notes. The very deficiency of information, however, has not been without its advantage. The difference in the nature of the documents relating to the successive periods has increased the variety of the work.

In the execution of the work, there is great carelessness, not to say, slovenliness. The same facts are repeated over and over again. We admit that this could not have been altogether avoided, as two or three of the Chancellors were of course always cotemporaries during the chief part of their career; but this excuse is far from sufficient. After a form of proceeding has been repeatedly dismissed in a few words, on another occasion it is set out at length as if to illustrate some peculiarity, but none is discoverable. It is clear the lives were composed separately, and never revised in connexion. Many other instances of carelessness might be quoted. Lord Somers' seat, White Ladies, is spoken of as in the suburbs of Worcester, and spared, it does not appear how or why, in the civil war. White Ladies is really several miles from Worcester. At page 468, Vol. iv., we find repeated verbatim in a note, three parts of the previous page. Then there are continual mistakes in the figures and dates; the correct dates often appearing elsewhere, showing the error is pure carelessness. In one place the appointment and death of Chancellor Yorke are referred to the 17th and 20th of February, instead of January. Lord Bathurst's age at death is called eighty-six instead of eighty. Lord Harcourt is made to go to College at fifteen, to stay there several years, then to study for the Bar, and be called at sixteen. In an anecdote of the Duke of Richmond, the side note calls him the Duke of Grafton. But of this—enough.

Of the tone of the work we can in general speak with great satisfaction. Short biographies ought to be received with some distrust. From the narrow selection of facts, a partial account can be avoided only by the writer's possessing thorough honesty and sound judgment, and more than ordinary freedom from prejudice. We certainly think that Lord Campbell has shown great impartiality. He appreciates too the lessons of history. One observation in the

life of Lord Somers, though not very original, is quite in place, and the idea is far less heeded either by writer or reader than it should be. Having noticed that at this period the Protestants looked upon the Catholics much as now the White Americans do on the Negroes, Lord C. adds : "Such contemplations should make us alarmed lest some laws and practices which seem to us very harmless, may be reprobated by our posterity." Vol. iv. p. 227. When noticing Lord Thurlow's unremitting opposition to liberal measures, Lord C. well observes :

"While the perfectibility of our nature must be acknowledged to be a delusion contrary alike to religion and philosophy, the vast improvements that have been made in our social system should stimulate and encourage our efforts to diminish the sum of crime and of suffering, and to raise the standard of intellectual cultivation and of material comfort among mankind."—Vol. v. p. 573.

We have, however, the following curious argument in support of the Coronation oath :—

"There is an evident advantage in the Sovereign being of the national religion :—which may fairly be secured by the penalty of loss of power for dissent. This restraint of course can never be complained of by the present Royal Family of England, as it was the condition on which they accepted the throne ; *and if it be unjust we should transfer our allegiance to the Duke of Modena*, who is sprung from Charles the First, and is the lineal heir of the monarchy."—Vol. iv. p. 91.

We cannot believe that Lord C. would find much difficulty in disposing of such a dilemma in the hands of—say, the Bishop of Exeter. Every religious disqualification might be similarly justified. At the time when Monarch and People alike believed it the office of power to oppress and slay the heretic, it was doubtless a *sine quâ non* with the people that the supreme power should not be entrusted to a hostile faith. But a test in England, now, can have no possible operation but to force the conscience of the monarch. Will any one maintain that, all other qualifications concurring in some noble heir to the throne, we should be justified in displacing him or her, for doubting the Athanasian Creed or requesting the aid of the Virgin ? The repudiation, too, by the Stuarts of such a test formed but a small portion of the cause of their replacement by the House of Hanover. And every argument against the jus-

tifiableness of the imposition of a test then has only increased power at the present time. Or if tests be condemned altogether, who, for the Presidentship of a free people, will assert such a paramount claim for heirship, as to demand in its behalf, the dethronement of an acceptable monarch of the eighth generation of legitimate descent?

This view concerns the nation as a people; there is however another. When the religious establishment had given up to the Monarch, ordained of God, the appointment of the whole of its higher officers as well as of a large portion of its ordinary ministers, (the rest depending on marriage settlements, and the money market,) we cannot be surprised, that after so narrow an escape as at the Revolution, it made arrangements to guide the hand of Providence in its future selection of our Rulers.

Lord C. also continually evinces the want of enlarged views. He often assumes that if there had not occurred some particular event which happened more immediately to lead to some important change, the world would have remained unimproved to the present hour. So too in describing times before the complete establishment of many of the now acknowledged principles of our happy constitution, Lord C. often treats as a crime of the individual what obviously was as yet a defect in our system. And he seldom takes sufficient notice of the difference in the motives by which individuals were influenced. Instances will be mentioned.

Then, too, in a spirit quite inconsistent with that of a work of the standing which Lord C. evidently thinks this is, and which it certainly ought to have been, we find the author's able advocacy of the present age in general, interspersed with depreciations, in particular, of his cotemporaries, and our institutions. This, occasionally, in a light work, may be allowable, but not here. It is rendered, too, additionally offensive by repetitions, and generally in the same form of "negatives pregnant;" making each life complete in itself, "jokes and all."

We are told that Walpole, by his neglect of literary men, patronised till his time, "gave to official life in England that aristocratical feeling and vulgar business-like tone which it has ever since retained." Of the House of Lords, we hear:—"In his (Lord Hardwick's) time, a meeting of the Peers had somewhat the air of a delibera-

tive assembly—instead of being a lounging place to hear the news of the day before dressing for dinner.”—Vol. v. p. 50. When speaking of the consequence of the Chancellor's having no power as Speaker, (refused by the House through jealousy of the Crown, which appoints the Chancellor,) Lord C. observes:—“Most inconvenient consequences follow from there being no moderator in an assembly which is supposed to be the most august, *but is probably the most disorderly in the world.*” Then of the House of Commons he says:—“Lord Hardwick did not deal sufficiently in personalities and clap-trap declamation to suit himself to the somewhat mobbish taste of that assembly.”—Vol. v. p. 32. Lord Thurlow's call to the Bar is thus recorded:—“The Benchers of his Society, who were supposed to direct his studies, and to examine into his proficiency, having ascertained that he had kept twelve terms, by eating the regular number of dinners in the Hall each term, called him to the Bar, vouching his sufficiency to advocate the causes of his fellow-citizens in all Courts, civil and criminal.”—Vol. v. p. 487. A similar sentence (we would admit it once) occurs in nearly every life, and equally where, as in this case, the individual was fully competent.

Then Lord C.'s brother peers are depreciated individually by such phrases as the following. Describing Lord Somers, Lord C. says:—“Not carried away by a passion for temporary notoriety, he did not toss on the table of the House of Lords, under the name of ‘Bills,’ the crudities of himself or others, bringing Law Reform into disrepute.” The ill-humour and bad taste of such language require no comment.

Of Lord C.'s general treatment of his subject, we must however speak with praise. But there is nothing to answer to the promised history of our jurisprudence. The notices of the alterations in the law are based upon no general view of our system, and in place of the post-liminious essay on the Chancellorship, which we had hoped would have made some amends, we have only an apology for its omission. The isolated law cases quoted may however help to correct the common notion that quarrels constitute the principal business of Courts. These cases furnish instances of the important questions con-

tinually arising, which require the soundest judgment for their decision. Unintelligible law phrases are pretty well avoided, though we do meet with "prohibitory, irritant, and resolution clauses." Occasionally, too, we find in our author himself, evidence of the extent to which continual converse with legal technicalities blinds to common sense.

With all due respect to our author, and the legal profession in general, of whom none have a higher opinion than ourselves, we will venture to quote, as an instance, Lord C.'s notice of the argument before Lord Hardwick, on the propriety of admitting as witnesses persons not Christians. The question arose in reference to the disputes in the East Indies, with or between our Mahometan and Hindoo fellow-subjects there. We should have imagined it admitted but of one, immediate, answer. Can it possibly be an element of our superior religion, that we should refuse to believe and deny justice to the devotees of a different faith? Yet this question was actually raised more than once, and argued at great length. And Lord C. writes—“*After very long, learned and ingenious arguments, which may be perused with pleasure, they*” (the Lords, and the three Chief Justices, all of whom it was thought necessary to consult) “concurred in the opinion that the depositions were admissible;” and he devotes two pages to Lord Hardwick's judgment. For our part, we can only look upon all such discussions, as painful evidence of the littleness of the most enlightened minds. How rare, however, at that period, were sound views on this subject, we may judge by observing that the Bill brought in (in 1722) to allow Quakers to affirm, was openly opposed by the Bishop of Rochester, on the ground that only Christians could be witnesses, and Quakers were not Christians. We fear, too, that even the promoters of the Bill were actuated more by a desire to obviate the inconvenience to others occasioned by Quakers refusing to swear, than by any regard for the Quakers' scruples.

We must however no longer detain our readers from the body of the work, of which, after every deduction, we entertain a high opinion; and we welcome it as a most valuable addition to our library.

It is with no small difficulty that we recognise in the Priest, acting as Chaplain and Secretary to our Saxon

Kings, with his *petty bag* of Grants, and *hamper* of Writs, and only the 6th officer in rank, the early representative of him who is now the Head of the Legal Profession, the Lord High Chancellor of Great Britain, with his PETTY BAG, and HANAPER Offices, and with his multifarious duties in Equity, Bankruptcy, Minority and Lunacy, the Guardian of the Great Seal, the impress of which once obtained no one may question, an official Member of the Cabinet, appointing all Magistrates and Puisne Judges, and the incumbents of a large portion of the royal livings (originally set apart for his Clerks), the First Officer in rank, the Speaker of the House of Lords, with precedence over all but the Royal Dukes, and in conjunction with his predecessors, and the other Law Peers, practically the Court of final Appeal, superseding the House of Lords.

In the formal words of Chancery Bills we have a trace of the origin of the Chancellor's Equitable jurisdiction. The Plaintiff alleges "combination and confederacy," and that he is without remedy at Common Law. All plaints being brought to the Chancellor, when he found that the established writs, of which he had the issuing, provided no remedy, or that through the confederacy of the powerful wrong doers, it could not be enforced, it was only natural, as keeper of the Royal Conscience, that he should take the case into his own hands, summon the parties before him, and by threat of his ecclesiastical or other punishments enforce his decisions. Even now his power over the parties before him is only the indirect one he has assumed of committing the refractory to gaol during pleasure, as guilty of "contempt of Court," but it has been long established by unquestioned usage.

In the reign of Henry the Third, the importance of the Chancellor's duties had obtained for him the second rank. Pre-eminence was still held by the Chief Justiciary, who as a Baron joined with his judicial duties those of the politician, and led the King's armies. On the division however of the Common Law Courts, the Chancellor became the highest officer. His salary was now 500 marks, while the Chief Justice had but 100. "Generally speaking, the most eminent men of the age, if not the most virtuous, have been selected to adorn" the woolsack. Its history is "interesting to Statesmen and Lawyers. For the history

of the Holders of the Great Seal is the history of our Constitution, as well as of our jurisprudence. There is even a sort of romance belonging to the true tale of many of those who are to be delineated, and the strange vicissitudes of their career are not exceeded by the fictions of novelists or dramatists."

Among the curious memorials of times by-gone which have survived as attached to the Chancellorship, may be mentioned a mistake of courtesy for dignity. When on Lord Mayor's day, the Lord Mayor by the Recorder asks the Chancellor to dinner, the Chancellor remains covered and gives no answer. In the days when Parliament laid down the fashions, even the Chancellor was not overlooked. By 24 Hen. VIII., the Chancellor is permitted to wear velvet satin in any colours but purple, and any furs except "clove genettes."

The whole work before us comprises the lives of 167 Holders of the Great Seal. Little information can be expected of our earlier Chancellors; but the short notices of them help to illustrate the times. In the year 605, King Ethelbert had a Chancellor Augmendus, who is supposed to have come over with Augustine. Our readers will smile to hear named as Chancellor to Egbert, St. Swithin of rainy memory, one of those honoured by being continued in our amended Protestant list of Saints. All we know of him, and of many others of this period, is to be found in William of Malmsbury, whose interesting work, by the bye, we are glad to see has been republished in Bohn's cheap Library. The rain with which St. Swithin continues to afflict us is for disobedience to his injunction, in removing his body to the interior of the Cathedral, when he had desired to remain buried among the poor outside. His judgments differed widely from the modern system. A poor woman complaining to him of one who had broken her eggs, the Holy Chancellor appeased her, by stretching forth the Cross and making the eggs whole again.

From the Conquest the list of Chancellors is nearly complete, though there are no Records older than Richard the First's time. William's first Chancellor was Maurice, but he soon resigned the office for the Bishopric of London, and he is more famed for having when bishop rebuilt St. Paul's. His successor Osmond is the first Chancellor

known to have been an Author. He wrote "The History of the Life and Miracles of Alden, a Saxon Saint, first Bishop of Sherborne." He also composed the Church Service styled "Usum sec. Sarum," which continued in use in the West till the Reformation.

Of Bloet, a Norman, Chancellor in 1088, Coke reports that he dealt in Church preferment, and "died without pity, save of those who thought it pity he lived so long." Giffard was an early example of the precariousness of the office. Three times was he Chancellor, and under three Kings. Roger, Bishop of Salisbury, obtained the Chancellorship from Henry the First, having won his heart by the shortness of his prayers. Geoffry Rufus, Bishop of Durham, had to pay for it, £3,006. 13s. 4d., as is openly recorded in the Pipe Roll. This sum is equivalent to £45,000.

Thomas à Becket was appointed Chancellor by Henry the Second in 1154. Lord C. rejects the legend, though, to his surprise, adopted by Turner and Thierry, that Becket's mother was daughter of an Emir. There is evidence of Becket's having sat judicially, though probably not in a distinct Court. He went the Circuit. His Secretary, Fitz-stephen, thus describes his housekeeping:—

"The Chancellor's house and table were open to all of every degree about the Court who wished to partake of his hospitality, and who were, or appeared to be, respectable. He hardly ever sat down to dinner without Earls or Barons whom he had invited. He ordered the rooms in which he entertained Company to be daily covered during winter with clean hay and straw, and in summer with clean rushes and boughs for the gentlefolks to lie down upon, who, on account of their numbers, could not be accommodated at the tables, so that their fine clothes might not be spoiled by a dirty floor. His house was splendidly furnished with gold and silver vessels, and was plentifully supplied with the most costly meat and wines, &c."

He says of Becket's intercourse with the King at this period, "Never in any Christian age were two men more friendly or familiar."

At this time the allowance to the Chancellor was 5s. a day, two demeane and seasoned simnels, one sextary of clear wine, one ditto of vinum expansabile (champagne, we presume), one lb. of wax, and forty pieces of candle.

These were of course in addition to his fees and judicial perquisites.

Though priests were forbidden to take arms, except in civil war (to our mind most needing to be forbidden), we know from History that Becket raised and led troops against Louis, and conquered in single fight Engleran de Trie; and he enforced payment even from the Church, of the tax of scutage, which he invented in lieu of personal service in war. Becket resigned the Seal on being made Archbishop in 1162. His State Trial is the first on record. The Court sat on Sundays as well as week-days.

Richard the First's Chancellor, Longchamp, Bishop of Ely, was very eminent. A contemporary, however, writes of him:—"By reason of his rapines, a knight could not preserve his silver belt, nor a noble his gold ring, nor a lady her necklace, nor a Jew his merchandise." The characteristics of each class are worth noting. It was Longchamp's fate to be imprisoned by his predecessor, Geoffry, then Archbishop of York,—and to be afterwards taken, when flying disguised as a female pedlar with a pack. We have a specimen of his authorship in his forgery in Hebrew, Greek, and Latin, of a letter from The Old Man of the Mountain, accusing Richard of the murder of the Marquis of Monserrat. In this reign was the first Vice-Chancellor, but he was only a deputy appointed for an occasion.

In 1206 Walter de Gray purchased of John, the Chancellorship for life for 5,000 marks, but in six years he became Bishop of Worcester, and afterwards Archbishop of York. We may judge of his fitness for any of these offices, by the objection raised to him on this last appointment. He was "minus sufficiens in literaturâ," and it required a whole £1,000 to convince the Pope of the contrary.

In 1242 we have an instance of a Chancellor refusing to sanction an abuse of the Seal. Chancellor Simon, the Norman, was expelled the Court for refusing to seal a Grant to Eleanor's Uncle, the Earl of Flanders, of 4*d.* on every sack of Wool. Such was the abuse of justice subsequently, that Parliament insisted on appointing the Chancellor and Justices. Though the King resisted this, he afterwards allowed the Parliament to appoint the Chancellor. But this was followed only by louder outcries from the suitors. In 1246 Chancellor Maunsel introduced into Grants the

“non obstante” clause, thereby putting them at the mercy of the Crown. He justified it as only a royal parallel to the Pope’s dispensing power, and this roused Justice Thurkesley’s indignation at such debasement of religion. This Chancellor allotted to himself 700 livings, whereupon Matthew Paris observes, “It may be doubted whether he was either a wise or a good man who could burden his conscience with the care of so many souls.” Parliament withheld supply to enforce the dismissal of Maunsel’s successor, Lexington. This was not, however, for his ill deeds, but for his allowing himself to be treated as a nonentity.

In August 1253 we meet with a Lady Keeper of the Great Seal. This was Queen Eleanor, appointed when Henry went into Gascony. She sat as a Judge in the Aula Regia. Her sittings were interrupted by her accouchement, and afterwards resumed. As a specimen of her justice, we must record her imprisonment of the Lord Mayor and Sheriffs of London for resisting her extortion of Queen Gold. Her successor, Kilkenny, is noted for the clever reply he wrote for the King when a deputation of the Primate and other Bishops waited upon the King to complain of his encroachment on the rights of the Church in his ecclesiastical appointments. The King in reply admitted the justice of their complaints, and desired, as a commencement of reform, the resignation of the wrongfully appointed deputies themselves.

The Archdeacon of Ely was the annual Chancellor appointed by the twenty-four Barons, under the provisions of Oxford of the Mad Parliament (June 1258). He was the first whose Seal is found to writs summoning to Parliament, Knights, Citizens, and Burgesses. His successor, De Merton, was the founder of Merton College, Oxford.

Our selection, hitherto, would not convey a very high opinion of our Chancellors. We must, however, now name one who is entitled to much of the great renown of his sovereign. This was Chancellor Burnel, who was appointed by Edward the First at his accession, in 1274, and held the Seal for the long period of eighteen years, and till his death. The very valuable laws entitled the 1st Stat. of Westminster, were passed by Parliament, in May 1275, he presiding: and the Statute De Mercatoribus was passed in 1283, by a Parliament which was held at the

Chancellor's own castle of Acton Burnel. This greatly improved the law of debt, and comprised many other good laws,—a law to check the accumulation of property in ecclesiastical corporations, for defining the jurisdiction of Ecclesiastical Courts, for preventing subinfeudation by making each new holder to hold of the chief lord, for appointing circuits of Judges, for establishing English law in Ireland, &c., &c. We also find Burnel convicting and fining in Parliament, Judges guilty of corruption.

Chancellor William de Hamilton sealed as a Charter the Statute De Tallagio non concedendo. This put an end to all legal pretence for power in the Crown to raise taxes. In this reign the Chancellor appears to have occasionally decided common law cases.

The mention of the law appointing circuits calls to our mind its singular preamble. The law was not passed, as one might have supposed, out of mercy to the poor prisoners kept so long lying in gaol,—but, as we there learn, to secure the punishment of the offenders at all, for, unless quickly judged, a bribe to the Sheriff soon obtained their release. Even as lately as under William and Mary, the Gaoler of Newgate used for a fee to let his thieves out *at night*, on their honour to return to his custody in the morning.

The sealing a Statute as a Charter is not so extraordinary as some may suppose. On referring to our Statutes it will be observed that they generally commence as petitions to the Crown. Originally Parliament only petitioned; and the Act can be considered only as a Royal Decree at the desire of Parliament. But Parliament finding that the law put forth by the King, as in compliance with their petition, was often very different, they adopted the plan of giving in their petition the exact wording of the proposed Act, and thence arose the present form.

We must now pass on to a more modern era. We cannot select one more suitable than the Revolution. Before, however, noting the individual conduct of the Chancellors, we must shortly review their position.

In forming an estimate of characters in former times, there are two principal sources of error against which it is necessary to guard, and we think that in this respect, as already mentioned, our author has not been sufficiently

careful. The difference in the motives to particular actions must be carefully observed, and the opinions of the individuals must be weighed by the weights and scales of the times; or rather, we should say, the moral and intellectual atmosphere of the era must be the medium in which the scale is poised. Though we well may be startled at finding in the army extraordinaries for the American war, "scalping knives and crucifixes for the Indians," which was at the time denounced by the Bishop of Peterborough, yet on many subjects there is much demand for allowance.

On the slavery question, for instance, we must remember how large a number of our principal merchants were, nearly to the last, deeply engaged in the nefarious traffic; and that so ill-formed was, as yet, general opinion, that our late Sovereign, when Duke of Clarence, could openly advocate the Slave Trade in the House of Lords; and even Wilberforce, as may be seen in his Life, positively denied, as an unjust imputation on him, that he sought to abolish slavery.

Let us then be charitable, when we find Lord Thurlow, in 1788, opposing a Bill to regulate the Middle Passage, calling it a "five days' fit of philanthropy," and saying, "It appears that the French have offered premiums to encourage the African Trade, and that they have succeeded. The natural presumption therefore is, that we ought to do the same." And when, in 1799, Thurlow supported the Royal Duke, let us observe how the imperfect principles of his opponents supplied him with his arguments. "There is no prohibition in Christianity against slavery," said he, "and as we do not pretend to destroy the status, there is no propriety in putting down its commerce."

So, too, when we find the most liberal and enlightened men in the early part of the last century supporting severe restrictions on the Catholics, and the high Tories advocating freedom of opinion, we must bear in mind how political differences of the highest moment almost uniformly co-existed with the religious differences. Catholicism and High Churchism were nearly identified with Jacobitism. We have a remarkable record of this in the fact that Low and High Church were substituted

for the terms Whig and Tory, which were temporarily dropped, as they have been since, for terms more expressive of the immediate dispute.

When we find, as is now beyond question, that many of the principal members of Government were in secret correspondence with the Stuarts, including even the heads of our Army and Navy, our danger could not have been small; but whether the fears for the Succession were well or ill founded, their reality cannot be questioned, and this to a greater extent than many persons are aware. In 1702, Locke wrote to his nephew, the future Lord King, then just called to the Bar, and returned to Parliament, to dissuade him from going the Circuit, telling him, it were "no good husbandry to get a few fees and lose Westminster Hall. For I assure you Westminster Hall is at stake, and I wonder how any one of the House can sleep till he sees England in a better state of defence."

Then, in 1745, Henry Fox wrote to Sir C. H. Williams: "England, Wade says, and I believe, is for the first comer, and if you can tell whether the 6,000 Dutch and ten battalions of English, or 5,000 French or Spaniards, will be here first, you know our fate." And again: "The French are not come, God be thanked! But had 5,000 landed in any part of this island a week ago, I verily believe the entire conquest of it would not have cost them a battle."

Such facts then must be borne in mind when considering the attempt led by Carteret in 1738, to enlist the popular feeling in favour of a reduction to 12,000 of our small army of 18,000 men. In 1743-4, there were actually only 7,000 men in England. Lord Campbell tells us too that the King was blind to his danger, and he could not be informed, because "it was considered contrary to Court etiquette to say that the Stuarts had any adherents."—Vol. v. p. 99. We certainly have heard that an Oxford man would not presume to save from drowning one to whom he had not been introduced.

Then we must also bear in mind, more than has been done by our author, the falseness of the vulgar notion of an original perfect constitution, and that the alterations in the laws are, in fact, improvements, and the growth

of our constitution ; so that the absence in the earlier statesmen of that spirit which we now require, arose from the defects of our yet imperfect system, and their conduct was no infringement of it. Originally, all the great Officers of State must have been as much and as exactly the servants of the Crown, as are any subject's servants, the servants of such subject. As such, being paid by and appointed and removed at the sole will of the Crown, they could be responsible for their conduct to none else ; the Crown, as any other principal, answering for what it authorised. The words in the King's Bench Writ, " Before the King himself," evidence how the Judges were originally only the assistants of the Sovereign, the Fount of Justice ; and down to the Revolution we find Monarchs who occasionally applied the Great Seal themselves.

To question the acts of the Crown must, however, be always very hazardous, and it is very desirable in itself that they should not be questioned, lest the paramount object, the stability of the government, should be endangered. Proper control, then, can only be established by the concurrence of some subject being made essential to each act of the Sovereign, and such subject rendered the servant of, and responsible to, the people. To insure this, the State Officers must be made independent of the Crown for their remuneration, and the principal Judges be irremovable while irreproachable. This has been *gradually* effected in England.

Whatever our theory, it would be idle to expect to find independence of the Crown in officers who were entirely dependent on it for their remuneration, and were dismissible at a moment's warning. To assume that such persons were responsible for their ministerial acts to others than their master, would be as inconsistent with an essential principle of law as with the evident feeling of the age.

Till the Revolution there was no separate fund for the payment of any State Officers, not even the Judges. All were paid out of the King's general resources, and on such terms as had been arranged between them. Even long after this, we find the Chancellors bargaining for their pay, and Lord Loughborough was the first who had the security of a retired allowance. Till the same period all

the Judges were removable at pleasure ; and their right to their offices during good behaviour, which was then established, was construed as still permitting their removal on the accession of a new Sovereign, till the reign of George the Third. Even after this, the Sovereign had the powerful hold over them, of their being entirely dependent upon him for any allowance on retirement. Their unworthy position is pointedly brought out by a letter written to Lord Chancellor King, by Sir L. Powys, in 1725. After describing his illness, he states that he was in arms at the Revolution, &c., &c., and then proceeds : "I have now sat a Judge in Westminster Hall thirty years, and in three reigns."—"I might, by the help of the bath and other means, try to restore my health, and endeavour to die a Judge ; but my success in such restoring meets with a most untoward objection that I am now fourscore years old wanting but one," and so he begs for a pension as his brother Powel had, eight years fewer a Judge, and his brother Blencowe, one year his junior.

Similarly dependent on the Crown and independent of the people were the Members of the Cabinet. It is only quite recently that they have, to any extent, owed their position to their popularity, or been a unanimous body thus supported. At the Revolution the Cabinet generally comprised rival chiefs, each commanding his section of Parliament ; and they openly contested questions of policy in the Royal presence, instead of, as at present, only reporting to their Sovereign their joint opinion. The Crown having thus neutralised much of the opposition, by the further aid of its personal friends and influence, ruled the Houses. We must then look upon many of our impeachments rather as efforts by the Commons to obtain ministerial responsibility, than the assertion of a right. To take one of the later examples, who could claim as a representative of the public voice, George the Second's Minister, the Duke of Newcastle, who formed successively an influential portion of the most opposite Cabinets ? Lord C.'s description of him, though considerably overdrawn, shows the secret of his power. Lord C. writes :

"That place-loving nobleman, who, hardly gifted with common

understanding, and not possessing the knowledge of geography and history now acquired at a parish school—from the rotten borough system, then in prime vigour, was in high office as a minister longer than Burleigh, and had much more power and patronage than that paragon of statesmen.”—Vol. v. p. 28.

With regard to the power of the Crown, when in 1782 Lord Rockingham, as Minister, passed the Act disqualifying Revenue Officers, he mentioned that there were seventy boroughs where the return chiefly depended on their votes. In Lord Cowper's valuable paper, entitled, “An Impartial History of Parties,” which he laid before George the First, at his accession in 1714, we find this statement:—

“ Give me leave to assure your Majesty, on repeated experience, that the parties are so near an equality, and the generality of the world so much in love with the advantages a King of Great Britain has to bestow, without the least exceeding the bounds of law, that it is wholly in your Majesty's power, by showing your favour in due time (before the elections) to one or other of them, to give which of them you please a clear majority in all succeeding Parliaments.”—Vol. iv. pp. 428-9.

But as the people have improved in intelligence and character, and thus in ability to use power well, by the self-adjustment of society, they have simultaneously sought and obtained increased power. Before, however, the present Parliamentary control and consequent responsibility of Ministers could be established, there must have been an intermediate stage. The strife in the Cabinet was reduced to one between the King's friends and the popular leaders. Thurlow, Eldon and Sidmouth were “King's friends.” The two former were “*my* Chancellors,” and the last “*my* Prime Minister.” The contests more particularly with Thurlow, whose natural disposition was ever to oppose, are well known. George the Third, too, while unfortunately he had few popular sympathies, appears to have called forth remarkably strong personal attachment. Our radicals, doubtless, scoff, and we ourselves cannot help smiling, on reading how the old Lord (Sidmouth) used to steal away to his private cabinet to gloat over the royal letters, the mementos of his departed Sovereign. This

contest must also have often arisen in the minds of individuals. A truly melancholy instance of this was in the death of that promising statesman, Charles Yorke, persuaded by his King to desert his principles.

How completely it is a new notion that the King's Servants are responsible, not to the Crown, but to Parliament, is evidenced by Lord Oxford's unhesitating language when attacked for his conduct under Anne. "If Ministers," he said, "acting by the immediate command of their Sovereign, are afterwards to be made accountable, mine may one day be the case of any member of this august assembly." Nor can we believe that a man of the high character of Lord Somers would have sealed the Partition Treaties, for which he was afterwards impeached, unless it had been then the general opinion, that, as under any other employer, when, as Somers did, he had respectfully urged his objections to the measures, it was his duty to obey his Sovereign's mandate and affix the Seal. When defending himself at the Bar of the House, Lord Somers said:—"As a Privy Councillor I offered the King my best advice, —and as Chancellor I executed the office according to my duty." Though, then, we should agree with our author, that Lord Somers' conduct "was entirely at variance with every notion of responsible Government," it would not follow that Lord Somers was guilty.

It is quite essential to keep these facts in view, when considering the treatment by our Chancellors of the great constitutional questions with which they had to deal, and observing what they attempted, or left undone, towards improving our Institutions. The position, too, of our Chancellors is peculiarly anomalous. It is continually insisted on, as vital to our liberties, that there should ever be kept quite distinct, the three Offices, of the Legislator who makes the Law, the Judge who interprets it, and the Executive who carries it out. Yet our Chancellors unite the three Offices in one. With regard, too, to their Judicial Office, there is the singularity that while they hold the very highest, they alone of all the Judges remain removable at the Will of the Crown.

We will not now enter into the important question of the policy of dividing the duties of the Chancellor, especially as our author has himself laid down his pen without

giving us his promised views upon it. But we may observe that, whatever be the balance of advantage of a joint or separate administration of Law and Equity, it has been shown by Lord Kames, that there is no such complete distribution between the two Courts as some imagine. Thus the construction put on Bonds by Common Law Courts, which disregard the words fixing the penalty, and restrict the sum to be levied to the actual loss sustained, is strictly an Equitable construction. On the other hand, Equity is sometimes to be obtained only at Common Law. An instance occurs to us, where two parties had fraudulently concocted a Bill of Exchange to rob the partner of one of them. The Law was clear, and relief was only in Equity. Yet the Defendant in Equity, swearing to advances on account of the partnership, he could not be touched; while as Plaintiff at Law on the Bill itself he failed; the jury, being satisfied of the fraud, refusing to enforce the demand. Still the Courts have their obviously distinct departments.

With regard to the administration of Equity, there can be no doubt that great inconvenience has been repeatedly experienced by suitors on the change of the Chancellor; or through the appeal having been, at one time from the Chancellor in his Court, to the Chancellor as sole Law Lord in the House of Peers, as in the time of Lord Hardwick; and at another time from the Holder of the Seal, to a tribunal in which he had not even a voice, as under Lord Keeper Wright. These evils however cannot now happen to the same extent, as we have four other permanent Equity Judges; and in the House, the Chancellor is always a Peer with several Law Lords. There can be no doubt also, that it is highly desirable that at least one chief administrator of the Law should thus remain in close intercourse with the Crown and its advisers; or that it contributes greatly to securing the constitutional nature of the measures of the Crown that one of the principal leaders of the learned profession of the Law should form an essential member of the Cabinet. The Law is thus, as it were, represented, and our history affords continual instances of the useful check that it has been on the Ministry, that they could not find a Chancellor to sanction their proceedings. There is also another benefit of no small moment. The duties of the Chancellor un-

connected with his profession, must assist in freeing his mind from the narrowing influence of legal technicalities, so subtle in its encroachment, and nowhere so injurious as on the mind of the Chancellor.

When tracing in history the successive pre-eminence of the advocates of the most opposite views, our nation still steadily advancing in its proud career of power, wealth, knowledge and virtue, one cannot but smile to recall the gloomy prophecies of our speedy ruin, as the inevitable result of some act or neglect, ever from time to time uttered by the defeated party. Perhaps no occasion of this was more singular than when the Duke of Richmond wrote to Burke, only shortly before the French Revolution, that, now despairing of his country, he should retire to his property and title in France, as the only place of safety. The long active public careers of most of our Chancellors most readily suggest these thoughts. The shortness of their pre-eminence, and how remarkably most of them raised themselves to it by their own talents, also invest their lives with a peculiar interest. We insert a short Table of the career of the Chancellors since the Revolution, the most settled portion of our History.

*A Table of the Chancellors since the Revolution.*

Whig or Tory.	Name.	Rank of Father.	Born.	Age at						Period Chanc- cellor.
				College	Bar	Parl.	Bench	Seal	Death	
W.	Maynard	Gent.	1602	16	„	23	—	87	88	1
T.	Trevor	Gent.	1640	School	23	38	45	50	77	3
W.	Somers	Attorney	1652	„	24	36	—	41	64	7
T.	Wright	Clerk	1653	15	„	—	—	47	68	5
W.	Cowper	Bart.	1664	School	24	31	—	41	—	5
”	”	”	”	”	”	”	”	50	59	4
T.	Harcourt	Bart.	1660	15	„	30	—	50	66	4
W.	Macclesfield	Attorney	1666	School	27	39	44	52	65	7
W.	King	Grocer	1669	For. Uni.	29	32	45	56	65	8
W.	Talbot	Bishop	1684	17	27	38	—	49	52	3
W.	Hardwick	Attorney	1690	School	25	29	43	47	74	19
W.	Northington	M.P.	1708	16	24	39	—	49	64	9
W.	Camden	Cf. Justice	1714	17	24	43	48	52	80	4
W.	Yorke	Chancellor	1723	17	20	24	—	47	47	—
T.	Bathurst	Peer	1714	”	22	22	40	56	80	8
T.	Thurlow	Clerk	1732	16	22	36	—	46	—	5
”	”	”	”	”	”	”	”	51	74	9
T.	Loughborough	Sc. Gent.	1733	12	21	30	47	50	—	½
”	”	”	”	”	”	”	”	60	72	8
T.	Eldon	Coal-fitter	1751	15	25	32	48	50	—	5
”	”	”	”	”	”	”	”	56	87	20
W.	Erskine	Sc. Peer	1750	26	28	33	—	56	73	1

The high character of most of our Chancellors, and the evidence in the career of several of them, that men of high character when possessed of talent may raise themselves from the lowest to the highest ranks, speak loudly in praise of the spirit of our Nation and Constitution.

To proceed with our author. The Statesman to whom William, at his accession, committed the Great Seal, was Serjeant Maynard. Singular had been his career. He was the Talleyrand of our Revolution. He was born under the last of the Tudors. He sat in Parliament under every subsequent ruler, including Cromwell, and was now, in his 88th year, on the accession of a fourth Dynasty, made principal Commissioner of the Great Seal. In 1628 he supported the Petition of Right. He was a manager at the impeachment of Strafford and Laud. He subscribed the solemn League and Covenant as a Presbyterian, and he was a lay Member of the Westminster Assembly of Divines. He was never expelled from the House, but he was once impeached for Treason; and in 1648 he opposed the Resolution not to address the King. He, however, became one of Cromwell's Serjeants; but having afterwards applied for a Habeas Corpus in opposition to Cromwell, he was sent to the Tower; submitting shortly after, he swore allegiance to Richard Cromwell. Yet he at once joined in recalling Charles, and was knighted at the Restoration; and he assisted in the prosecution of Vane for having, like himself, acted under Cromwell. However, he opposed Charles' dispensing power, and supported the Bill of Exclusion. In 1685 he opposed the Bill to make words treason, and the supply for a standing army; and in 1688 he supported the Commons against the Lords in their declaration that James had "abdicated."

Maynard had evidently none of the temper of a martyr, but was a time-server; yet a right spirit may be observed in him, throughout his whole career. He held the Seal rather more than a year, and he died within six months afterwards, at the age of eighty-eight. He supported the Bill for disarming the Papists, and he opposed the Bill making Mary Regent during William's absence in Ireland.

Though Maynard sometimes allowed himself to be

guilty of injustice, his conduct was in general sound. He manfully upheld the rights of juries, and was decidedly a fine old lawyer. Among his speeches may be mentioned as a curiosity, that on a Bill to prevent further Building in London. "This enlarging of London," said he, "makes it filled with lacqueys and pages. In St. Giles's parish scarce the fifth part can come to Church, and we shall have no religion at last." When introduced to William, the King observed to him, that he must have outlived all the lawyers of his time. Maynard smartly replied, "If your Highness had not come over to our aid, I should have outlived the law itself." He had not outlived his courtly wit.

Maynard's successor was a complete contrast. Sir John Trevor, with a bad Welch accent, and bad cast in his eye, the son of a poor Welch gentleman, and brought up at a village school, had been noted only as the advocate of unlimited prerogative. He was brought to London when a youth, by a cousin who was a barrister, and who employed him as clerk, and his chief associates were gamesters. Having, however, great ambition, and having reached the Bar, he was patronized by Jeffreys, who was his cousin, and he became King's Counsel and M.P., in 1678. Here is a specimen of his language on Prerogative: "The disciples came to our Saviour in the ship, and said, 'Lord, save us, or we perish !' and we say no more to the King." He assisted in the prosecution of Lord Stafford, and was Speaker in James's only Parliament. When Jeffreys became Chancellor, Trevor was appointed to the Rolls. But he now aimed at supplanting Jeffreys, and quarrelled with him. In July 1688, he became a Privy Councillor, and he attended James's levee after his flight to Rochester. On William's accession, Trevor was removed from the Rolls, and in Parliament he opposed Reform. This sketch of his career makes his subsequent advancement rather inexplicable.

On the meeting of the New Parliament, Trevor made advances to the Court, and undertook to bring over the Tories with him, if he was made Speaker, and furnished with the necessary funds, and the bargain was concluded. He acted up to his agreement ; and on Maynard's resignation he was made Chief Commissioner of the Seal, and in

three years, on the death of his successor at the Rolls, he was restored to it. But his duties as Speaker of the House of Commons, being inconsistent with presiding in the Lords, (the usual office of the Holder of the Seal,) the Seal was now transferred to other hands. Trevor's want of character, however, soon betrayed him. He could not see why he should not be fee-ed by others besides the Court; and in 1695, he was accused and convicted of having received a bribe of 1,000 guineas from the City of London, to support the Orphans' Bill; and he was expelled from the House. This was not deemed any reason for removing him from the Rolls, and he continued to sit there, while the Seal changed hands five times; and for the long period of twenty-two years, and in his Court, he appears to have been a good and upright judge.

We now come to one every way worthy of his high position, and his merits were shortly recognised in a grant of the full title of Chancellor, and a peerage. Lord Somers was of an old family possessed of the estate of the dissolved nunnery of "The White Ladies," near Worcester. Queen Elizabeth lodged there on her progress in 1585; and there was Charles received previous to the fatal fight of Worcester: his fine fringed gloves and other relics remain as records of his hasty flight. Somers' father, however, was only a country attorney, and the son was placed at his father's desk as his intended humble successor. But Solicitor-General Winnington observing young Somers' merit, persuaded him to study for the Bar; and so he read in London, and at Oxford, and was called to the Bar in 1676. He was then twenty-four, and a thorough master of Civil Law, language, and general literature. He had formed a friendship with the gay young Earl of Shrewsbury, which was continued through life, and by him he was for a time led astray. He did not practise till his father's death; but he at once took an active part in polities. He supported Russell and Shaftesbury, and wrote a pamphlet in support of Grand Juries, when the Bill against Shaftesbury was ignored, and he wrote another pamphlet in support of the Exclusion Bill. When Somers did commence practice, he had rapid success. On the arraignment of the Seven Bishops, he was at once proposed as Counsel. The Bishops gave a reluc-

tant assent. Somers' noted liberal views were utterly distasteful to their passive obedience notions, which they had been most unwillingly forced to forego. To Somers' speech was their acquittal considered principally due.

At the Revolution Somers became a Member of the Convention Parliament. He drew the memorable Resolutions, and was a principal Manager of the Free Conference with the Lords. It was his Committee upon whose Report the Declaration and Bill of Rights were founded; and the provisions for freedom of Protestant worship, omitted by Parliament in these latter, are found in Somers' original Report. In the discussion on the Coronation Oath, Somers supported Hampden's proposal that it should be worded, not "to maintain the Protestant Religion, as established by law;" but "as it may be established according to the laws for the time being." This was negative by 188 to 149. Had it been carried, how much pain might have been saved to future royal consciences, and of how much power of obstruction would bigotry have been deprived!

Somers was at once appointed Solicitor-General. In his conduct of the trial of Lord Preston, so great was the contrast with the proceedings on the trial of the Bishops, that it was difficult to believe they had taken place within three years of one another. In 1692 Somers was appointed Attorney-General, and in another year he received the Great Seal as Lord Keeper, and this he held seven years. One of the most important cases he had to decide was whether the Bankers had any remedy, who had been robbed to the amount of a million and a half by Charles' illegally closing the Exchequer. He himself spent hundreds of pounds in collecting books, as authorities. He decided against the Bankers. A compromise was afterwards effected.

In Parliament we find Somers preventing the renewal of the Licensing act, and supporting the Bill to permit those accused of treason to have a copy of the Indictment, a list of the Jury and Witnesses, and to have Counsel; and he promoted the re-coinage. But he did not allow himself to be led into the toils of the Tories with their insidious measures of apparent liberality. He advised the King to veto the Place Bill, which, excluding the Ministers from

the House, was a new form of the Self-denying Ordinance. He rejected their property qualification Bill; and he endeavoured to preserve the standing army, under the proper restriction of annual Parliamentary votes. He sanctioned the Bill of Attainder of Sir John Fenwick. We do not agree with Lord Campbell in his reprobation of all such measures. We have already referred to Lord Somers' conduct in reference to the Partition Treaties. The cause of his retirement was, the increased favour of King William to the Tories. Among those Somers promoted, while in power, were Locke, Newton, and Addison.

The new Parliament in 1701 impeached Lord Somers, and also Lords Portland, Orford and Halifax; but the Commons proceeding too far, and at once addressing the King to remove the accused from his presence and Council for ever, the Lords took alarm, and raised a dispute on the mode of proceeding, which put an end to it altogether. Upon this occasion Somers' early friend, Shrewsbury, wrote him from Rome: "Had I a son I would sooner breed him a Cobbler than a Courtier," &c. There was soon a prospect of Somers' speedy return to power. When in September, on the death of James, Louis recognised the Pretender, so great was the re-action against the Tories, that William at once consulted Somers. He advised another Parliament, and prepared an excellent address; but the King's death in March again changed the scene. So great was the prejudice against Somers borne by the Tory Anne, that he was at once removed from the Privy Council, and the Commission of Peace, even of his native County, Worcester. We have already quoted our author's picture of Somers as an ex-Chancellor. He was President of the Royal Society, and made a very fine collection of paintings and books. His collection included nearly every edition of the Bible. He edited an edition of Milton's *Paradise Lost*, and this was before the work had been noticed by the *Spectator*: and his house became the resort of the most distinguished of all ranks, himself the charm of the brilliant circle.

The new Parliament was high Tory, but as Marlborough and Godolphin pursued the former policy, Somers freely supported them. But he strenuously resisted the Bill against occasional conformity. This Bill subjected all

Borough elections to the Test Act, and all who had once taken the Sacrament at Church were rendered liable to penalties, and eventual transportation, if they attended a conventicle. The Bill was passed by a large majority in the Commons, and Somers succeeded in defeating it in the Lords only by one vote each time on three divisions.—It being renewed in the next Session, Somers only carried with him 71 against 59; and in a third Session, 71 against 50. All the Ministers voted for it. Now arose an important constitutional question affecting Elections. Till Lord Grenville's Act in 1774, Election returns were decided by the whole house, and as was to be expected, were settled as party questions, with little or no reference to merits. The Candidate of the majority was therefore pretty sure of his seat. This led to corrupt bargains between the Returning Officers and the Candidates, and consequently to unfair elections; the officers being sure of impunity, if their returns went to swell a majority. An Aylesbury Elector, however, had now brought an action at law against the returning officer for wrongfully rejecting his vote, and the Court of King's Bench had arrested Judgment on the ground that the action was not maintainable, the House of Commons having sole jurisdiction. The question being carried to the Lords, Somers succeeded in reversing the decision. Extravagant as was this claim by the Commons, they persisted in it, and a long contest ensued.

The new Parliament in 1705 was Whig, and several Whigs were admitted into the Cabinet. Somers, still excluded by Anne, supported Ministers without office. There is an interesting letter from him to the Elector of Hanover, on the passing of the Regency Bill. In the following year Somers rendered great assistance to Government in completing the Union with Scotland. It is rather humiliating to think that on this momentous question, the points most actively debated were the preference to be given to Scotch over Irish oats, and whether Scotch two-penny drink should pay the same duty as English small beer.

In the same year was passed Somers' famous Statute of Jeofails, which effected a greater improvement in the administration of Law than any Act from the Revolution till the reign of William the Fourth. It greatly lessened

the extent to which defects of form could prevent justice, and, under it, defendants having several defences were no longer compelled to rest their case on one.

On the death of Prince George, in November 1708, Somers was re-called to the ministry, as President of the Council. In the following year he opposed the foolish impeachment of Sacheverell. He was removed with the rest of the Whigs in 1710. We fear some of his subsequent votes must be called factious. Without knowing the exact circumstances, we ought not to speak positively; yet we cannot but be surprised to find him voting for the Repeal of the Union with Scotland.

On the accession of George the First in 1714, secured by the Whigs seizing the power out of the hands of Anne's traitor Ministers, Somers returned to the Ministry, but he was now worn out. The throne having to all appearance been within an ace of returning to the Stuarts, the Septennial Act, the Riot Act, and other severe measures were passed. Whatever may be now thought of the Septennial Act, we have sufficient evidence of the patriotic motives that led to it, in the language of Somers: "I think it will be the greatest possible support to the liberties of the country." Somers died in 1716.

Queen Anne's Bounty, which if properly administered would be of the greatest service to the Church, was concerted by Somers and Burnet.

Lord Campbell, after observing that in Somers duty and ambition concurred, says that his "course was more uniformly virtuous, and more truly noble, than that of any man who ever held the Great Seal."

To return to 1700, when the Tories drove Somers from power: no lawyer of any standing could be found for the Seal, so it was committed to Sir Nathan Wright, as Lord Keeper. Wright was the son of a Leicester clergyman of moderate fortune, and was born under the Commonwealth. Having passed through College and reached the Bar, he started as a Whig, and in 1696 was made King's Serjeant by Somers. He had never been in Parliament nor held any office, when he was entrusted with the Seal; and knowin nothing of Chancery, had a book written for him, to teach him its Rules and Practice.

When in 1702 William's speech was prepared by

Somers, Wright feared for the Seal, but the King's death relieved him. On the Aylesbury Election question, Wright had to retain his new Toryism, having no voice, not being a Peer. In 1704 he had to put a vote of the Lords condemning his own conduct in the removal of Somers and other Whig Magistrates; and the following year, on the meeting of the new Whig Parliament, he was displaced. The Duchess of Marlborough claims his removal as her act. "I prevailed with her Majesty," she writes, "to take the Great Seal from Sir N. Wright, a man despised by all parties, of no use to the Crown, and whose weak and wretched conduct in the Court of Chancery had almost brought his very office into contempt." Wright was however considered incorrupt as a Judge, but he sold his Church Livings. Having amassed immense wealth, he now retired, and he died in seclusion in 1721.

In the first year of Anne, witnesses on behalf of persons accused of treason and felony were first examined on oath.

On the removal of Wright, the Queen still objecting to Somers, Cowper obtained the Seals. Cowper was born at Hertford Castle soon after the Restoration, and was son of a Baronet of rank and fortune. He was never at College, but was educated at a school at St. Alban's. There are considerable records of his private life, including his schoolboy letters. He married at twenty-three, while yet only a student for the Bar, and a year before the Revolution. We must quote his pleasing letter to his wife in the following year, on his being called:—

"I have to tell you, my dear Judith, that I have made my maiden motion in the King's Bench, and that by the help of self persuasion, and reasoning with myself, without much of the bashfulness I am naturally inclined to. Upon asking the standers-by their opinion of my performance, they only found fault that I did not interweave what I said with civil expressions enough to his Lordship, as '*May it please your Lordship*,' and '*I am humbly to move your Lordship*,' and the like. But that fault will be amended for the future, and to that end you shall find me begin to practise my extraordinary civility to your sweet self, &c." —Vol. iv. p. 262.

Cowper now joined a volunteer corps of twenty-eight young lawyers, and we have an account of his march from London to Oxford, and reception by William at Windsor,

which is more favourable to William than most accounts. William being established, Cowper returned to his profession. In a letter to his wife (September 1701) occurs the following :—

“ My mother was to visit Mr. Justice W—’s study, to choose some books to read. On his desk, just against him, so that his eyes must frequently direct themselves to it, there is writ this following distich, or couple of verses of his own composing (as he assured my mother over and over) :

‘ In Wisdom’s school this maxim I have got,  
That ’tis much better to be pleased than not.’

I tell you the author that I may not arrogate to myself this metrical maxim, which is likely to prove so beneficial to you, and all that hear it.”—Vol. iv. p. 268.

In 1695 Cowper was advised by Somers to enter Parliament, and he was returned for Hertford with his father. He was no supporter of the Squirearchy. Vernon reports that he gave great offence by saying, “ an active, industrious man, who employed £5,000 in trade, was every whit as fit to be a member there, as a country gentleman of £200 a-year, who spent all his time in hawking and hunting, and was over head and ears in debt.”—P. 270. On the Aylesbury Election question, Cowper opposed the outrageous claim of the House, and on the return of the Whig Parliament in 1705 he obtained the Seal. The following entry now occurs in his Diary: “ During these great honours done me, I often reflected on the uncertainty of them, and even of life itself: I searched my heart, and found no pride or self-conceit in it: and I begged of God that he would preserve my mind from relying on the transient vanity of the world, and teach me to depend only on his Providence; that I might not be lifted up with the present success, nor dejected when the reverse should happen, &c.”—P. 295.

In a letter to his wife in the following year, Cowper complained of her literal compliance with “ those severe words concerning obedience which the Church and custom exacted fro’ you;” and to be even with her, begs her to believe “ that if you design to deal so with me, you shall be the best dissembler in the world of your inclinations, if

ever you catch me at willing any thing you do not like, or denying any thing that you do."—P. 309.

Cowper joined Somers in opposing Sacheverell's impeachment. On the dismissal of the other Whigs in 1710, he was most earnestly entreated by Anne to retain the Seal, but he remained stedfast to his principles, and retired. Cowper took the first step in abolishing the very improper custom of the Judges receiving presents on New Year's day from their officers and Counsel. Lord Campbell says that even quite recently, the officers of the Common Pleas, on being invited to dine with the Chief Justice, each left a bank note under his plate. Lord Cowper would never receive any gifts, and he thus voluntarily resigned £5,000 a-year, not to name the obloquy he incurred with his fellow Judges. Cowper now led the opposition, but was out-voted through Harley's twelve new Peers; and State Religion was upheld by the profligate Bolingbroke's Bill requiring all schoolmasters and tutors to conform. Even Cowper supported the bargain with Spain for a division of the profits of the Slave Trade.

At George the First's accession, the Seal naturally fell again to Cowper, Somers being too aged. In 1718, the Mutiny Bill, though only for maintaining 16,000 men, was violently opposed by the Tories, including Oxford, the ex-premier, Argyll, ex-Commander in Chief, and ex-Chancellor Harcourt—all professing popular views; but Cowper carried it by 91 to 77. In two months, however, he was out of power. The cause appears to have been his connection with the Prince, now on very bad terms with the King. In opposition we find him opposing Sunderland's Bill to encroach on the prerogative by limiting the peerage. He also opposed the attempt to repeal the Test and Corporation Acts. Four bishops including Hoadley voted for repeal. That policy and not illiberality guided him in this vote, is clear from his last speech in Parliament having been to oppose the Whig Walpole's Bill (in 1723) to raise £100,000 on the Catholics. This Bill was carried by 69 against 55. In this year Cowper died. For the general estimate of Cowper's character we must refer to the account of him in the *Spectator* of the day.

After the specimens we have given of Cowper's married life, we must add the following choice morceau from Vol-

taire's Philosophical Dictionary. In the section entitled "De la Polygamie permise par quelques Papes et par quelques Reformateurs," we find these words: "Il est public en Angleterre, et on voudrait le nier en vain, que le Chancelier Cowper épousa deux femmes, qui vécurent ensemble dans sa maison avec une concorde singulière qui fit honneur à tous trois. Plusieurs curieux ont encore le petit livre que ce Chancelier composa en faveur de la Polygamie."—Vol. iv. p. 413.

We do not find Cowper's opinion on the subject of bribery so high as we could wish. Writing to the Duke of Bolton as to his own election for Totnes, he says his presence would not help him, "especially being hindered by the Act of Parliament, from using the only means a stranger can on a sudden recommend himself by."—Vol. iv. p. 285. How difficult it is to remember to respect those who do not respect themselves.

The Chancellor during the intermediate period between Cowper's two Chancellorships was Lord Harcourt. His father was an Oxford Baronet and a Presbyterian. As such he opposed Cromwell and the Independents, and lost all his property. He did not recover it at the Restoration, and died in penury. Nevertheless his son was a Tory and Jacobite. The future Lord Harcourt was born at the Restoration. Having studied at Oxford and the Temple, he was called to the Bar. He was returned to William's first Parliament. He resisted the suspension of Habeas Corpus, and refused to join the Association for William's protection. He defended Sir John Fenwick and conducted the impeachment of Somers. He might have had the Seals at Anne's accession, but felt himself too poor for soprecarious a position, and so he was made Solicitor-General. On the question of the Aylesbury Election, he moved the monstrous Resolution of the Commons, "that no action can be brought against a returning-officer by an elector." On Somers' return to office he resigned, and he was counsel for Sacheverell on his impeachment, and when the Whigs were dismissed he received the Seal.

Before dismissing Sacheverell's trial, a word or two may not be misplaced. There can be no doubt that Sacheverell's language suggested treason, but when three years suspension was all the punishment that could be ventured on, it could

be only folly to prosecute. But it was doubly so when the Queen herself showed such a leaning to the same views, that at the trial she felt every sympathy with the arguments of the defendant's counsel, and was shocked at the principles advocated by her own officers. Of four Chancellors, we have found two Whigs opposing the proceeding in Council—a third Whig, Macclesfield, was *officially* a Mannerist; the Tory was the Doctor's leading counsel. It is worth recalling, too, that the Church Homilies, whose doctrines all clergymen were (as they still are) bound by Parliament to uphold, in the clearest language denounce all the proceedings at the Revolution, and now called for the preference, as Anne's successor, of the legitimate heir of the Throne, her brother. Let us quote a specimen or two of the Homily against Rebellion. We are there told, bad princes are put over us for our punishment, and it is only adding to our sins to rebel against them. The way to get rid of them is to amend ourselves.—Also, “What shall subjects do then? Shall they obey valiant, stout, wise, and good princes, and contemn, disobey and rebel against children, being their princes, or against undiscreet and evil governors? God forbid: for first, what a perilous thing were it to commit unto the subjects, the judgment which prince is wise and godly, &c.”—“A rebel is worse than the worst prince, and rebellion worse than the worst government of the worst prince that hitherto hath been.”—“How evil soever Saul, the King, was, and out of God's favour; yet was he obeyed of his subject David, the very best of all subjects, &c.”—When encouraged to kill Saul, “‘*The Lord keep me,* saith David, ‘*from doing that thing, and from laying hands upon my Lord God's anointed.*’”—“Now let David answer to such demands as men desirous of rebellion do use to make. Shall not we, specially being so good men as we are, rise and rebel against a prince, hated of God, and God's enemy; and therefore like not to prosper either in war or peace, but to be hurtful and pernicious to the commonwealth? No, saith good and godly David, God's and such a King's faithful subject, &c., &c.”

To pursue the history of Sacheverell's counsel.—Now in office, he assisted Jacobite publications, and when the publishers had been prosecuted, he remitted their punishment. Everything was proceeding to his satisfaction, and full power committed to Bolingbroke on the Queen's deathbed,

when the Whigs forcibly interfered. For three years after the restoration of the Seal to Cowper, Harcourt remained quiet, but he then joined the Whig Walpole, then in opposition,—we should rather say, Walpole joined him,—and they succeeded in defeating Oxford's impeachment. Harcourt continued in bitter opposition for some years. But when in 1721 Walpole obtained the command of the Cabinet, Harcourt went over, and he steadily supported Government till his death in 1727. His conversion was quite consistent with the passive obedience principle.

In the Gentleman's Magazine of the day we find a statement of Chancellor Harcourt's having been stopped by a constable as he was driving through Abingdon on Sunday, whereupon he quietly drove up to the Church and attended the service.\*

Our further notices must be more brief. The next Chancellor, Macclesfield, was the son of a country attorney, and was educated at a small free grammar school in Shropshire, where, as Tom Parker, he contended for supremacy with Tom Withers, the clever son of a shoemaker. When he obtained the Seal, there seemed every prospect of his holding it for life under the stable Ministry of Walpole. But his excessive covetousness leading him to connive at infamous peculation by the Masters, whereby to obtain the enormous sums he demanded on their appointment, he was before long disgracefully dismissed, imprisoned and fined.

Lord King was son of a Dissenter and grocer in a country town, and was educated at the foreign University of Leyden. There is a very interesting correspondence with his uncle Locke. He little expected ever to reach the Seal. The fall of Macclesfield at once brought it to him; and he held it till the approach of death suggested his resignation. Under him an Accountant-General was first appointed to take charge of the suitors' monies, hitherto left in the hands of the Masters, and by them often misused.

Lord Talbot was son of a Whig Bishop, and was a man

\* In the previous reign, constables were placed at the street corners, on Sundays, to impound all pies and joints passing to and from the bakers, to prevent the consummation of their sin by those who, though they had no cooks, yet dared wish for a hot dinner.

of very fine character. Though Chancellor, he opposed a Government Bill against smuggling, because it subjected to transportation persons sworn to be *intending* to smuggle, and was otherwise very severe. The law was passed and still exists. It is not however a case where such a stretch of evidence is likely to be abused, and it certainly has precedents; but nothing but our disproportionate import duties could have called for it. There was a Grand Revel at the Temple on Talbot's appointment. This was the last disturbance of the grave Law Halls till Queen Victoria's visit to Lincoln's Inn. Part of the performance was the Lord Chancellor, Judges and Serjeants dancing hand in hand round a coal fire. We are not informed what ancient tradition protected the exhibition from ridicule. Were they, like schoolboys, burning their briefs at the Long Vacation? In three years Talbot died at the early age of fifty-two.

Lord Hardwick, thus unexpectedly promoted, and who has left the splendid heir-loom of room-hangings made of twenty Seal-Purses, was son of an attorney at Dover, and had one sister a tradesman's wife, and the other, wife of a dissenting minister. His mother wished him to be a dissenting minister himself, or at least apprenticed to an "honester trade." He was articled without fee to a London attorney. Being gratis clerk, he was sent marketing by his mistress, till he stopped it by charging in his accounts "coach-hire for roots of celery and turnips from Covent Garden, and a barrel of oysters from the fishmonger's." His first advancement was as tutor to Lord Macclesfield's sons; and he tried his hand at authorship by sending to the *Spectator* the letter of "Philip Homebred."

As Attorney-General, Hardwick contended against the popular side in the important question of the right of Juries to judge of the criminality of libels. Lord Hardwick brought in, in 1753, the Bill to permit the naturalization of Jews, which roused such a ferment among the bigots that it was immediately repealed. We need not then attribute to Hardwick the defects of his Marriage Act, which was passed the same year, and which was certainly a great improvement on the previous state of the Law. In 1756 Hardwick caused the rejection of the Militia Bill, which permitted their being exercised on

Sunday afternoons. This had been passed by the Church, but was violently opposed by the Dissenters. On the Duke of Newcastle's being driven from power in this year, Lord Hardwick resigned with him. His leaning to prerogative led him two years after to stop the proposed improvement in the law of *Habeas Corpus*, and the law remained unaltered till Serjeant Onslow's Bill in 1816. He supported the Ministry of the first Pitt; but his last act was, in 1763, the year before his death, to oppose Pitt, when Pitt improperly resisted the resolution of the Commons in the case of Wilkes, that Privilege of Parliament did not extend to libel. We doubt the correctness of our author, when he states that Lord Hardwick confined his attention to Law. In his correspondence with Lord Kames for instance (published in Lord Kames's Life), we find him *turning* from Law to suggest to Kames his re-consideration of his principle, "that the doing good to one of our own species merely as such, never is a duty." And on returning thanks to Gibbon for his great work, he offered suggestions as to Gibbon's future labours, showing great interest in History. Most eminent as a Judge and Legislator, Hardwick was equally a perfect pattern of temperance, sobriety, and conjugal affection.

The first Pitt's first Chancellor, Lord Northington, was son of a country gentleman and M.P. He married early, and long had only small means. He was a man of good character; but, though a Whig, too much inclined to prerogative, and he justified the attempt to tax America.

Lord Camden must claim the honour of having established the illegality of General Warrants, not specifying the parties and their offences, and also the important right of Juries to inquire into the criminality of libels. Without Lord Camden's aid, we fear all the eloquence of Erskine would have been useless. Even when prosecuting, as Attorney-General, Camden, when discussing the merits, pointedly turned his back on the Judges, and addressed the Jury; and his last act, then an old man of seventy-eight, was to come down to the House of Lords to secure the passing of Fox's Libel Bill, unharmed by the attacks direct and indirect of Chancellor Thurlow.

Lord Camden was a younger son of the numerous family of Sir J. Pratt, Chief Justice of the King's Bench.

He lost his father while only ten years old. He was a schoolfellow of Pitt's. He had great difficulty in paying his way at the Bar; and having remained for eight or nine years without practice, he was on the point of entering the Church, when he was kindly assisted to an opening by his leader, the future Lord Northington, and thenceforth his advance was rapid. Appointed Attorney-General by Pitt, Camden made the attempt to amend the law of *Habeas Corpus*, which Lord Hardwick defeated. In 1762 he was apparently shelved, as Chief Justice of the Common Pleas. It was thought he could do no mischief there, "with his wild notions of liberty." Upon this occasion he wrote to his old friend Davies:—"I remember you prophesied formerly that I should be a Chief Justice, or perhaps something higher. Half is come to pass. I am Thane of Cawdor, but the greater is behind; and if it fails me, you are still a false prophet. Joking aside, I am retired out of this bustling world to a place of sufficient profit, ease and dignity; and I believe I am much happier than the highest post in the law could have made me."

The case of Wilkes, however, soon arose, and it was at once brought before the new Chief Justice; and uninfluenced by the natural prejudices against Wilkes, Camden at once and for ever disposed of General Warrants, though hitherto they had been unquestioned.

Being raised to the peerage in 1765, Camden's first speech was against taxing America. In the following year he received the Seal. He in vain opposed the treatment of America in the Cabinet, but elsewhere he was silent upon it, as "almost every body else holds the declaratory law to be a sound, fundamental one." Still he warned the Duke of Grafton in a letter, in which the above sentence occurs, that if the repeal of that law were proposed, he must vote for it. At length, in 1770, when Lord Chatham spoke out so decidedly against these measures, Camden joined him, and proclaimed his difference from his colleagues. He was now dismissed, though the Ministry knew not where to look for his successor.

One of Camden's earliest decisions in the House of Lords was, assisted by Lord Mansfield, to reverse the iniquitous judgment which sanctioned the attempt to

raise money to build the Mansion House, by fines on Dissenters for not holding offices for which they were disqualified.

There is a very interesting letter from Lord Camden to the Duke of Grafton, giving an account of Lord Chatham's last speech and death. "His words were shreds of unconnected eloquence, and flashes of the same fire which he, Prometheus like, had stolen from heaven, and were then returning to the place from whence they were taken. Your Grace sees that even I, who am a mere prose man, am tempted to be poetical when I am discoursing of this extraordinary man's genius." Writing to the same correspondent, the following year (1779), on the subject of Parliamentary opposition, Camden concludes, "But to say the truth, I have no hopes left for the public; the whole people have betrayed themselves, and are not worth fighting for."—Vol. v. p. 311.

In 1780, Camden supported the Bill to disqualify Government Contractors, upon the rejection of which, through the opposition of the Chancellor, Thurlow, Dunning moved his famous resolution on the Power of the Crown, which displaced the Ministry. Camden returned to office in the Rockingham Ministry, and again supported this Bill, on its re-introduction, assisted by Dunning, now Lord Ashburton. It was again opposed by Thurlow, still Chancellor, and the Bill was carried by only two votes, on two divisions. When driven from power by the coalition of Fox and North, Camden continued to vote with Pitt, and on Pitt's return to power supported him for some time without office.

In 1785 Camden was President of the Council, and ably supported Pitt's Bill for opening the Irish Trade, while Earls Derby and Fitzwilliam and other Whigs signed a protest against it. Mr. Peel, the father of the present Baronet, appearing as a witness, prophesied entire ruin to England, and threatened to remove to Ireland to participate in the cheap labour. Lord Camden replied that the cheapness of labour could only continue during the rudeness of art, and if Peel and others should go to Connaught, they would do much to civilize it. We have already noticed Camden's last act in carrying the Libel Bill. This was in 1792, two years before his death.

Lord Chancellor Yorke was the second son of Lord Hardwick, and a man of great ability and high character, but too impatient of success. This, joined to his loyalty, caused his fatal end. He is best known as the principal contributor to the Athenian Letters, written before he was twenty. He was early and long in close correspondence with Warburton. When Yorke was thirty-three, he felt so disappointed with his progress, that he meditated leaving the Bar. On the dismissal of Camden, however, he had been twice Attorney-General. Like Camden he had resisted General Warrants, and voted for the Repeal of the American Stamp Act, and he now pledged himself to his party not to accept the Seal. After having, however, firmly refused it to the King himself, in an evil moment he yielded to renewed royal entreaties. In three days he was no more.

After these seven Whig Chancellors, no one was to be found to take the Seal but a son of the Tory Lord Bathurst, who was one of the twelve peers created in 1711. The father was a man of elegant taste and jovial manners, and he used to say of his son, "Now that the old gentleman is gone to bed, let us be merry and enjoy ourselves." The future Lord Chancellor, when once prosecuting a woman for murdering her father, argued as follows:—"How evidently the hand of Providence has interposed to bring her to this day's trial, that she may suffer the consequence! For what but the hand of Providence could have preserved the paper thrown by her into the fire, and could have snatched it unburnt from the devouring flame? Good God! how wonderful are all thy ways! and how miraculously hast thou preserved this paper to be this day produced in evidence against the prisoner, &c." Such capricious interference with the course of his own providence do we attribute to the Deity, to sanction our misguided desires!

On Prince Frederic's death, of whose party Bathurst had been, he went over to the King, and was made a Puisne Judge. On Yorke's melancholy death, he received the Seal jointly with two other Puisne Judges. But it was soon considered that one bad Judge would be better than three, and the first Commissioner was made Chancellor, and a peer as Baron Apsley. In 1774, Bathurst boldly supported the Non-intercourse Act, and in 1778 he opposed

the motion for peace, but it now appears that he recommended it in private. He disgraced himself by opposing the provision for Lord Chatham's family in the most depreciating language. He proved so inefficient a Chancellor, that he was at length removed to the Presidency of the Council. He went out with Lord North in 1782, and continued an illiberal opposition to the Insolvent Debtors Bill and other improvements, being generally assisted by the Chancellor, Thurlow. Lords Camden and Bathurst were both born in 1714, and both died in the year 1794, at the age of 80. How different their intermediate career!

Lord Thurlow, the wayward Chancellor, who "looked wiser than any man ever was," and who, though ever clinging to power, was never at ease but when in personal pique opposing Government, till at length he compelled his own dismissal,—was the son of a Norfolk clergyman. His conduct at College was a sample of his whole career. He compelled his own expulsion by persisting in an insult he offered his Dean, in taking a task set him to one of the Tutors to correct, as if the Dean were incompetent. As, however, the main features of Lord Thurlow's career, as also those of his successors, or rather contemporaries, Lords Loughborough, Erskine, and Eldon, must be much better known to our readers than those of their predecessors, and from their copiousness it would be vain for us to undertake a satisfactory epitome of the facts, we shall not attempt it. Lord Thurlow rendered a most important service by his vindications of the equal privileges of peers. In 1779 he nobly vindicated his own position, and that of the other *parvenu* Law Lords, in answer to the Duke of Richmond, as related in Butler's well-known account. "The noble Duke," said he, "cannot look before him, behind him, or on either side of him, without seeing some noble peer who owes his seat to successful exertion in the profession to which I belong. Does he not feel that it is as honourable to owe it to these, *as to being the accident of an accident.*"—Vol. v. p. 534. Then twenty years later, in 1799, he, on the other hand, justly reprobated the deference expressed by Lord Grenville, when rising to reply to the Royal Peer, the Duke of Clarence.

Lord Loughborough was of a good Scotch family, and the first Scotchman who reached the Woolsack, but most

unworthy were the means to which he resorted to attain it. He was a man of transcendent talent, but equally unprincipled and ambitious. In one respect he was the very antithesis of his predecessor. To every party in turn, however opposite were their principles of government, did he successively adapt himself. Starting as a partizan of his Tory fellow-countryman, Lord Bute, he soon became a violent Wilkite. Next he joined Lord North, and then announced himself the ally of Fox, and he held the Seal under Pitt and Sidmouth. His own words, aimed at others, were soon most applicable to himself. "Bit by the tarantula of opposition, he is cured by the music of the Court." Though Lord Loughborough's career may be considered an instance of success without virtue, it can weigh little against the general testimony of these volumes, and we think few would envy him even his success. Nor can we doubt that had he adhered consistently, either to the party of the Crown, or that of the people, his very great abilities, which can alone account for his actual rise, must have secured him far higher eminence, and he would have left behind him a name as highly honoured as it is now universally despised. In this life, Lord Campbell has some very interesting new matter in relation to the period of the King's first illness.

Lord Eldon held official appointments for a longer period than any other statesman on record. In 1788 Eldon was appointed Solicitor-General; five years after, Attorney-General; in six years more, Chief Justice of the Common Pleas. Then in two years he obtained the Great Seal. This he held first for five years, and then, after an intermission of one year, again continuously for twenty years more, the whole of these extending over a period of nearly forty years. Lord Eldon was the son of a Coal-fitter at Newcastle, and was first intended for his father's business. Having been called to Oxford by his elder brother, William, the future Lord Stowell, he would have entered the Church had a College Living opportunely lapsed; and failing that, he studied for the Bar. In his early elopement few could have discerned either an embryo Bishop or Chancellor.

In public life, Eldon was the most complete realization in modern times of a "Tory." Though we have had so complete a history of Lord Eldon, in Mr. Twiss' Life and

Mr. Surtees' Supplement, yet the variety of an account by a writer of opposite politics is very acceptable, and the correspondence with Sir Robert Peel is a valuable addition.

Lord Erskine, who held the Seal during the short break in Lord Eldon's Chancellorship, was a Scotchman, like Lord Loughborough, and like him made many changes. Lord Erskine's changes were not of his principles, but his profession. He was the youngest son of the Earl of Buchan. On the completion of his education, he entered the navy. This he changed for the army: we do not find that he ever studied for the Church, but he did act as Chaplain to his regiment, and at last he turned to the Bar. Here his success is without example. In five years he received a patent of precedence. Lords Erskine and Eldon made their maiden speeches in Parliament, on the same occasion. This was on Fox's India Bill, taking of course opposite sides.

Erskine's forte, however, was not in Parliament, but before a Jury, and his noble and splendid eloquence in advocating high principles, on the many important questions which were brought before Juries during his career, has left a most valuable and lasting impression not merely on the memories, but on the hearts and minds of his countrymen.

It remains for us to notice some few of the more important subjects of these volumes not immediately connected with the personal histories.

The possessors of the right to appoint the spiritual teachers of the people are often perplexed by the inopportune death of the incumbent. The Bond of a *locum tenens* to resign in favour of some particular person has always been held good, but the validity of a general Bond of resignation was doubtful. The question was brought before the House of Lords in the case of the Bishop of London against Fytche, when Thurlow was Chancellor. The Judges were divided in opinion, but the Chancellor spoke strongly in support of the Bonds. At this period decisions were not yet left to the Law Lords, and the Bishops voting against the Bonds, they were condemned by nineteen to eighteen. A Bond is good in favour of an infant son, if he come of age and be in Orders; we think it might be at least extended to the future clerical husband of any

daughter, which would considerably increase the value of the property, and obviate much scheming and anxiety. To be serious, it is really difficult to know how to treat this subject. We fear the time is still far distant when the members of the Established Church will awake from their present truly marvellous apathy and indifference to what so deeply concerns their most important rights, and highest welfare, not to name the claims of deserving clergymen.

Whatever may be the merit of the various Law Reforms,—and we are well aware that there have been great improvements, particularly of late; and we are by no means inclined to be niggardly of our praise, or to overlook the great difficulties in the way, and how little support is ever offered, and, on the contrary, how much opposition is aroused by every attempt,—yet we must still express our great disappointment at the comparatively small progress hitherto made. As early as King Edward's Chancellor, Burnel, immediate execution, without the expense of a suit, was granted on a debt acknowledged before the Mayor. Yet even at this hour, with regard to Bonds, Bank notes, and Bills of Exchange, in respect of which the proof of debt is held under the debtor's own hand, the unjustifiable delay and expense of process has to be incurred. In this respect we are behind Scotland, France, and nearly every other civilized country. Lord Campbell has himself in vain attempted a remedy. To take another instance: it is probably unknown to most of our non-professional readers that the term folio, meaning, according to the Court, 72 or 90 words, is actually the legal standard pint stoup of the contents of a folio or page of the copies of proceedings furnished by the Court officers, so that the contents of such a page as this before us is spread over six sheets of paper, the writing being only on one side, only twelve or fifteen lines in a page, and six words in a line. To give a specimen too of the mode of counting these words, the four figures representing the present year of our Lord have allotted to them a whole line and one-sixth because they *may be* written with seven words. For these pages, the charge is fourpence each; and it is generally compulsory to take the copies. Now considerably more than a century ago, namely in 1732, a Committee

on the subject of Court fees was appointed by the House of Commons. After a delay of nearly ten years, they made a most mild report; but at least this grievous exaction was distinctly pointed out. Yet it still remains unabated.

In 1774, we find Lords Camden and Thurlow for once agreeing. This was in opposing the extension of literary copyright. On Serjeant Talfourd's late Act extending the period, Lord Campbell observes, "Literature may now be pursued as a liberal profession, offering to those who succeed in it the means of honourable support, and of making an adequate provision for their families."—Vol. v. p. 298.

Lord Camden appears to have been principally influenced by a wish to check the monopoly of the booksellers, whom he violently denounced; and the trade certainly still shows too much disposition to make their profit by high price rather than large sale. We do not at all concur in our author's anticipations. The very nature of literature, the chief motives to which have nothing in common with a desire of gain, must always cause its votaries to consist principally of those who can never hope to look upon their pursuit except as a luxury. Also the more advanced intellectual position of superior authors is inconsistent with their often attaining popularity during such period as would enable them to secure provision for themselves or their families. Such able works as have attained popularity within reasonable time have generally done so at once, or at any rate within a very few years. The somewhat later popularity of some good works has been obtained, through *cheap* trade editions, after the expiration of the copyright.

One of the greatest blots on the House of Commons has always been their conduct when deciding disputed elections. We had to note on occasion of an Aylesbury Election, how the notoriously partisan decisions of the House, then voting in a body on each case, led to corruption in the returning officers. So uniformly partisan were the decisions, that we find Walpole at once aware that his hour was come, when the first division was announced on the Election Petitions in his last Parliament. When Lord Grenville's Act, passed in 1774, was in discussion, under which petitions were referred to select sworn Committees, Lord

Thurlow in opposing prophesied, and but too truly, that the decisions under it would be deemed equally corrupt. There was throughout a very uniform coincidence between the opinions of the majority of each Committee and those of the candidate it seated. Lord Campbell fears that Sir R. Peel's Bill will be equally inoperative. It certainly has not succeeded. It appears to us that it is through the absence in Parliament of rules of evidence that Committees are principally enabled to influence the result, and that till this be corrected they will always be able to do so without direct dishonesty. If the House would submit, as they ought, to have their Committees assisted by legal assessors, and had authorised reports of all cases, the result would be a great improvement. The best Act is Lord J. Russell's, allowing proof of bribery to precede proof of agency.\*

When treating of the strife with America, Lord Campbell, fully admitting the impolicy of attempting to tax America, still observes, and we think with justice, that there is no distinction between the right to legislate over colonies, and the right to tax them. He does not pursue the subject. The relation of colonies to the mother country is but little understood, or perhaps we ought to say, but little observed, yet it is a question that must again arise, and this before long. Few can doubt that when colonies are sufficiently powerful, their independence is for the advantage of both countries. No one can believe that if the United States had remained subject to the distant jealous legislation, and crippling regulations of England, if, indeed, such a thing were possible—they would have now become so great a nation, or our commerce with them so extensive. But be this as it may, we think it impossible to look upon legislation for colonies as any thing else than an arrangement made for mutual advantage, and determinable by either party when no longer desired. An attentive student of the last disturbances in Canada can

\* Since these observations were penned, we have observed in the papers the following words represented as uttered in the House of Commons itself by a member of it (Mr. O'Connor) as lately as on the 28th of February last: "He thought that he had only spoken consistently with precedent and experience in designating the Election Committees as so many farces. He had been canvassed on an Election Committee himself, and been upbraided by his party for voting according to his conscience." This was said in *explanation* of some disrespectful language in Mr. O'Connor's Newspaper, *The Northern Star*, and the apology was at once, without comment, deemed satisfactory!

come to no other conclusion. The facts are pretty fully detailed in the Life of the late Lord Sydenham, though this view does not appear to have been entertained either by his Lordship, or his biographer.

Our relation to Ireland is repeatedly brought before us in these volumes. There are probably few in England who would sanction the renewal of a separate Parliament, or who fear any serious attempt to obtain it. Yet it is not a subject to be slighted, and one of the most important evils involved is seldom referred to, though well known to all conversant with the subject. Though too weak for independence, the injury that Ireland could inflict upon England, as the tool of France, renders it essential to our stability that Ireland should act in harmony. The power over England which Ireland would obtain by a separate Parliament is undoubtedly the leading object of such repealers as are not Dublin shopkeepers. But they do not see that the mere risk of that power being abused must always force English statesmen to take care to ensure subservience; and that this, too, could only be by measures which, if not strictly to be called corrupt, must be very injurious to both countries. Our experience on this subject is most pointed.

In 1767 the Irish Lord-Lieutenant wished to appoint an Irishman as Chancellor. Lord Chancellor Camden objected to it, and wrote to the Prime Minister, the Duke of Grafton, as follows:—

"The popular party are sure to distress the Castle to some degree every session, and the method has been hitherto, to win over the leaders in the House of Commons by places, &c., which has enabled the Lord-Lieutenant for the time being to close his particular session with ease to himself; at the same time that it has ruined the King's affairs and enraged the people. The next successor is involved in the same difficulties." [And the same plan being pursued, at last] "Government has nothing to give, and is left beggared, and consequently unsupported."—Vol. v. p. 270.

In 1782 the Ministers found themselves compelled to pass the Act declaring the Legislative Independence of Ireland. This of course increased the power to injure England, and the fruits were experienced seven years after in the different terms on which the Regent was appointed

by the two countries, which must have led to serious consequences had not the King recovered.

In 1784 we have again the clear views of this enlightened statesman in another letter to the Duke.

"Those who wish so much," he says, "for the reformation at home, cannot with much consistence refuse it to Ireland, and yet their corrupt Parliament must be considered the only means we have left to preserve the union between the two countries. But that argument will not bear the light, and no means ought, in my opinion, to be adopted, too scandalous to be avowed. I foresaw when we were compelled to grant independence to Ireland, the mischief of the concession, and that sooner or later a civil war would be the consequence—a consequence ruinous [injurious] to England, but fatal to Ireland, for she must at all events be enslaved either to England or France, &c."—P. 327.

We will notice only one more subject. A striking instance of the slow recognition of the rights of woman is the long denial to her of the right of Divorce. Though denied as divorce has always been in England to all but those powerful by wealth, perhaps its entire refusal to the weaker sex can be no great wonder. The first time that a woman even attempted to obtain a divorce was in 1801. Lord Thurlow, to his credit, after a long absence from Parliament, came down to support it. The debate was commenced by our last Sovereign, then Duke of Clarence. He opposed the Bill on the ground that marriage had never been dissolved in this country, and never ought to be dissolved, unless for the adultery of the wife,—which alone for ever frustrated the purposes for which marriage had been instituted. Lord Thurlow, however, carried the House against the Duke, and brought over the Chancellor, Eldon, who had intended to oppose the Bill. Yet even Thurlow only treated this as an exceptional case, being one where forgiveness, he contended, was out of the question, as the adultery was with the wife's sister.

We trust our readers will not think we have dwelt too long on these volumes, and then we may rest satisfied that we have shown that they form an interesting and important work.

## ART. II.—COLONIZATION OF THE UNITED STATES.

*History of the Colonization of the United States.* By George Bancroft. 3 vols. 8vo. Thirteenth Edition, 1846.

THE history of the world does not exhibit another synchronism so remarkable as that which connects the Invention of Printing, the Discovery of America, and the Reformation. We speak of these events as a synchronism, notwithstanding the separation of the earliest and the latest of them by two thirds of a century, because they were identical in their origin, and their effects have been inseparably blended. It was the same awakening of the energies of the human mind, after the trance of the middle ages, which produced the new mechanical means for the diffusion of thought, revealed the Western hemisphere, and restored religion to the control of reason. The emancipation of Europe from the royal tyranny which had succeeded to the feudal began somewhat later, but it could not have been accomplished without the Press and the Reformation. And the history of the New World has been from the first most intimately connected with the struggles of the Old for civil and religious liberty. It offered an asylum to those whose love of both was too energetic to admit of their living in peace under governments in which regal and hierarchical principles were still predominant; free institutions grew up there with a rapidity and vigour which they could not attain under the counteracting influences to which they were subjected in Europe. The colonists of the United States had learnt the elements of liberty in the school of their native land; but the pupil soon outstripped the master, and has become the teacher in his turn.

In all past experience there is nothing which approaches the rapid diffusion of the people and institutions of the United States. Their establishment on the Eastern shore of America seems an event but of yesterday compared with the history of the world, removed from our own times by no longer an interval than that during which France lay in destructive convulsions from Clovis to Pepin, or Greece

was decaying from the Peloponnesian war to the Roman conquest. Yet in these three centuries, which may be contracted into two if we reckon from the foundation of the New England States, the living heart of American liberty, they have reached the extreme limits of the West. On the shores of California and Oregon, the youthful and vigorous democracy of America stands or will soon stand, confronting the worn-out and stationary despotism of China. Primæval and modern civilization are thus seen at the limits of their respective spheres, marking the completion of the circuit which has been accomplishing since the commencement of history. Perhaps the Pacific may not always keep them asunder. A people of boundless activity and aggressive ambition, to whom the sea is as familiar as the land, may be tempted across its waters, should they encounter any permanent obstacle in the South, and aid in destroying the time-worn fabric, which seems only waiting for some shock from without to crumble into ruins.

To understand the causes which have developed this new and powerful element in modern history we must study the early annals of the United States. The influences which determine national character begin commonly in ante-historic times; all the great nations of antiquity become known to us in a period of comparative maturity; for no observer stood by in their infancy and childhood to report what was going on. But we can look into the cradle of the States of America; knowing what France, Spain and England were, at the time when they sent forth their colonies to the New World, we know also what arts, habits, opinions and institutions the new settlers carried with them, and can understand the divergencies of their subsequent history. It is, indeed, sufficiently obvious why the colonies of Spain should no more resemble those of England, than the parent states one another; but the causes which have produced such marked differences in the North American States themselves, Virginia and Massachusetts for example, do not disclose themselves, unless we advert to the different classes of society by whom they were established, and their history from their settlement to the war of Independence. We have hitherto scarcely possessed the means of thus following out their history.

Robertson, our most popular authority, and a very excellent one as far as he goes, has left his account of the North American Colonies very imperfect, having brought down that of Virginia only to 1688, and that of New England to 1652. He had originally intended to embrace their entire history, and not to publish any part till the whole was completed. The revolt of the colonies induced him to suspend his labours and "wait till the ferment should subside and regular government be re-established," before returning to this part of his work; but though he lived for fifteen years longer, he appears to have made no further progress in it.\* Mr. Grahame's History is acknowledged by the Americans themselves to be faithful and candid: but he had access only to the ordinary materials of the compiler. The revolutionary history of America belongs intimately to that of England, and is known from the biography of Washington and other works; the subsequent change of the constitution and the vicissitudes of the Federalist and Democratic parties lie within the recollection of the present generation. The properly Colonial history is very little known, and yet without it the events of the Revolution and the subsequent development of parties in the Republic cannot be understood. It is this vacant department which Mr. Bancroft has undertaken to fill in the present portion of his work, and the approbation of his countrymen has pronounced decisively on his success.

Such a history, ascending to the earliest settlement of the colonies, could be written, at least for Americans, only by one who could devote long years to the collection and investigation of the evidence which lies scattered in the archives of thirteen separate States, in family documents, in historical tracts scarcely known beyond the limits of the district in which they were printed, and in those ephemeral publications which give the most lively picture of the feelings of their contemporaries, but are proportionally perishable and difficult to be procured after a long lapse of years. The materials laboriously and conscientiously collected,

\* A letter to him from Mr. Burke on the publication of his History of America is preserved by Mr. Stewart (p. 109), containing a passage very instructive to political prophets. Speaking of the events of the war (1777), he says, "I have not been, nor am I, very forward in my speculations on this subject. *All that I have ventured to make have hitherto proved fallacious.*"

would make a history to be consulted rather than read, if there were not added some power of imagination to combine and re-produce a living picture of the past, and a spirit of philosophical generalization to give unity and a progressive interest to the story of so many detached and unimportant communities.

These qualities are united in no ordinary degree in Mr. Bancroft. The diligence with which he has collected his materials, attested by the ample references in the margin, is astonishing, and, if nothing of his life were known, might lead his reader to suppose that it had been past in preparing this single work. To an English reader the minuteness of detail into which this leads him is occasionally wearisome; but the citizen of every American state fairly expects to find in this general history whatever can illustrate the origin and progress of his own community; and as he cannot go far back in tracing it, is pleased with an amplitude of detail which will be impracticable when its annals extend over a longer space. The style has the merit of originality, a better thing than faultlessness, were that attainable. It is graphic, brilliant and forcible; resembling perhaps more what we may imagine would have been the style of Seneca, had he written history, than that of the great classical masters, but never dull or feeble. Public oratory, especially if the audience to be wrought upon is not of a very refined order, is unfavourable to the calm dignity of the historical style. We think we can trace this influence in the emphasis, exaggeration and epigrammatic point which is occasionally to be remarked in Mr. Bancroft's pages. He seems also to be addressing himself to a more *juvenile* mind in the American public than an European historian supposes on the part of his readers, and hence sometimes enunciates what we tacitly assume as admitted and known. Such reflections as "What is there which the passion for gold will not prompt? It defies danger and laughs at obstacles; it resists loss and anticipates treasures; unrelenting in its pursuit, it is deaf to the voice of mercy and blind to the cautions of judgment"—contain truths so obvious that they are not commonly propounded in words. We have observed the same tendency in an historian of a very different kind from Mr.

\* Vol. i. p. 83.

Bancroft—his countryman, Mr. W. H. Prescott—and therefore we presume it is to be imputed to a cause rather national than individual. Mr. Bancroft, however, seldom allows his remarks to fall with the flatness of truisms upon the reader's mind; a picturesque expression, an antithetic turn, gives them an air of novelty though familiar. Occasionally the desire to maintain the stateliness of the historical tone leads him into the fault imputed to Gibbon, of not calling things and persons by their simple names. Speaking of the arrival of Melendez on the coast of Florida, he says, "It was on the day which the customs of Rome have consecrated to the memory of one of the most eloquent sons of Africa, and one of the most venerated of the fathers of the church,"\* a description which, two sentences later, the reader finds to designate St. Augustin, but which he may not readily understand if he have not the names, merits and birthplaces of the Fathers in his memory. The colonization of Pennsylvania by the Quakers is thus announced: "The banks of the Delaware were reserved for men who had been taught by the uneducated son of a poor Leicestershire weaver to seek the principle of God in their own hearts, and to build the city of humanity by obeying the nobler instincts of human nature."†

Mr. Bancroft is intensely American. We do not complain of this, for nothing but an ardent patriotism could have carried him through the labour which his work has cost him, and his history would have been less interesting without the animation which this sentiment everywhere gives to his style. He is also intensely democratic. Nor of this do we complain, for we have no cause to doubt that it is his sincere conviction that institutions which are to secure social order and happiness must be based upon the suffrages of all and the will of the majority. But there is a tone of flattery towards democracy, an earnest and impassioned exaltation of it above all other forms of government, and panegyric of the virtues and happiness of those who live under it, which again excites the suspicion that the relations of the politician towards the parties of his own country may have influenced the judgment and the language of the historian. It is evident, even from his history, that he has thrown himself ardently and unreservedly into the party of ex-

\* Vol. i. p. 69.

† Vol. ii. p. 325.

treme democracy. We do not suspect that this bias has led him in any way to misrepresent or colour facts; he has indeed not yet reached the portion of his story in which such a bias would begin to manifest itself; but it has certainly influenced his tone. We have been often reminded by contrast of the calm impartiality with which Thucydides has written the history of another democracy. Courtiers are not the only men who are tempted to flatter, and we should be sorry that an example so powerful as Mr. Bancroft's should accustom the public mind of America to that stimulating diet on which republican France was fed, and which her writers and orators are beginning again to administer. Even the short time that has elapsed since his Preface was written has sufficed to show that in some respects his "glorying is not good." Would he now venture to say, "Public sentiment allows the existence of but few standing troops, and those only along the sea-board and on the frontiers;" or, "Every mind is free to publish its convictions;" or, lastly, "There is no national debt; the government is economical; and the public treasury full?" And yet it has been the work of the democracy that the boasts of 1838 are become a bitter irony in 1848.

Mr. Bancroft has bestowed great labour in collecting an account of the tribes who lived East of the Mississippi, previous to the arrival of the Europeans in the New World, and who have been gradually compelled to retire before the colonists, till only small remains of them are found within the regions over which they once roamed as sole masters. He has not been able, however, to afford us any certain conclusions as to their connection with the nations of the Old World, their migrations within their own territory, or the mutual relations of their tribes. The evidence which less cautious inquirers believed themselves to have discovered, of their origination from Asia, dwindles away, before his scrutiny, into a resemblance between the Indian and Mongolian skull; the affinity of language extends no further than to a presumption that the Tschukscki of North Eastern Asia are of the same origin as the Esquimaux of America. The few coincidences that have been discovered between the roots of words in American languages and those of Asia and Europe are not sufficient to

establish a proof of connection, and the whole structure is different.

Amidst all their varieties of vocabulary and grammar, the languages of Europe and Asia have one quality in common, they are *analytic*, expressing in different degrees the portions of a complex thought, by distinct verbal signs. The American languages on the contrary are *synthetic*; the Indian cannot separate an idea from its accessories; he cannot say *father*, *son*, *master*, separately: the noun for him must be limited by including the person to whom it relates. The missionaries could not translate the doxology literally, but chanted "Glory be to *our* Father and to *his* Son and to *their* Holy Ghost." The noun and the adjective are blended into one word; the active verb includes within itself its object as well as its subject. But along with this generic character there exist specific differences of the widest kind, so that between nations who dwell, and have dwelt, side by side for centuries there is no affinity in language. The inscriptions which have been thought to betray the marks of a European or Asiatic alphabet, when examined, appear to be the scratchings of an Algonquin. Geology has reduced the mounds in the alluvial valleys of the west, which had been taken for the works of an earlier and more cultivated race of men, to the operation of water, by turns raising and disintegrating heaps of clay and gravel. When to these proofs of the fallacy of the arguments which have been used to connect the Indian population with Europe or Asia we add, that the pastoral life was wholly unknown to them, that they kept neither sheep nor kine, and knew not the use of the milk of animals for food, we must admit that their civilization, such as it was, must have been the growth of their own continent.

Respecting the manners, customs and opinions of the Indians, Mr. Bancroft has made ample collections, and combined their results in many striking pictures. We quote a passage describing their belief in a future state, in which a resemblance, springing from the nature of man, to the usages of other nations will be recognised.

"To the Indian, intelligence was something more than a transitory accident; he was unable to conceive of a cessation of life. His faith in immortality was like that of a child who weeps over the dead body of its mother, and believes that she yet lives. At the

bottom of a grave the melting snows had left a little water ; and the sight of it chilled and saddened his imagination—‘ You have had no compassion for my poor brother ’—such was the reproach of an Algonquin—‘ the air is pleasant and the sun so cheering, and yet ye do not remove the snow from his grave to warm him a little ; ’ and he knew no contentment till this was done.

“ The same motive prompted them to bury with the warrior his pipe and his manitou, his tomahawk, quiver and bow bent ready for action, and his most splendid apparel ; to place by his side his bowl, his maize, and his venison, for the long journey to the country of his ancestors. Festivals in honour of the dead were also frequent, when a part of the food was given to the flames, that it might serve to nourish the departed. The traveller would find in the forests a dead body placed on a scaffold erected on piles, carefully wrapt in bark for its shroud, and attired in the warmest furs. If a mother lost her babe, she would cover it with bark and envelope it anxiously in the softest beaver-skins ; at the burial-place she would put by its side its cradle, its beads, and its rattles, and as a last service of maternal love, would draw milk from her bosom in a cup of bark, and burn it in the fire, that her infant might still find nourishment on its solitary journey to the land of shades. Yet the new-born babe would be buried, not as usual on a scaffold, but by the way side, that so its spirit might secretly steal into the bosom of some passing matron, and be born again under happier auspices. On burying her daughter the Chippewa mother adds not snow-shoes and beads and mocassons only, but (sad emblem of woman’s lot in the wilderness !) the carrying belt and the paddle. ‘ I know my daughter will be restored to me,’ she once said, as she clipped a lock of hair as a memorial ; ‘ by this lock of hair I shall discover her, for I shall take it with me ’—alluding to the day when she too with her carrying belt and paddle, and the little relic of her child, should pass through the grave to the dwelling place of her ancestors.”—Vol. iii. p. 294.

It is perhaps not generally known, how soon after its discovery America became a place of refuge from the religious persecutions of Europe. The Huguenots of France first attempted to establish a colony in Brazil, and on its failure fixed themselves in Florida, then just abandoned, after a short occupation, by the Spaniards. Coligny fitted out an expedition, with the sanction of Charles IX., in which some of the best of the young French nobility joined. They built a fort, near what in the subsequent territorial divisions has become the extremity of South Carolina, and their leader returned to France to bring out reinforcements. But the civil war, provoked by the massacre of Vassy, had

in the mean time broken out, and as no relief arrived, the garrison determined on returning home. Two years later, a more numerous expedition was fitted out ; which established itself at the mouth of the river May, or St. Matteo in Florida ; friendly relations were entered into with the natives, and all seemed to promise the permanence of the colony. But the Spaniards resented the intrusion of the French into a region which they claimed as their own ; and a colony of Huguenots was above all others hateful to Philip II. An expedition was fitted out, under the command of Melendez, to colonize Florida on the part of Spain, and he came with a considerable fleet, and authority from his sovereign to gibbet and behead every Protestant. The French settlement was stormed and the garrison put to the sword. A few years afterwards De Gourges, a soldier of fortune, fitted out an expedition with which he landed in Florida, fell upon the Spanish settlement, and having hanged his prisoners on the trees, retired. The earliest and the latest attempts of France to establish herself on the coast of North America have alike failed.

The failure of Raleigh's attempts to establish a colony in Virginia is well known from English history. Mr. Bancroft does that justice to the gallant and accomplished adventurer, which has been denied him by some of his own countrymen, and speaks with merited indignation of the conduct of James, who executed him upon a sentence originally unjust, fifteen years after it was passed, and when the hand of death had already been laid upon his paralytic frame. The knowledge of America which he had been the means of diffusing soon brought other colonists to the regions which he had abandoned. James had more cause to pride himself on his plantations of colonies, than on most other branches of his kingcraft ; Scotland and Ireland, as well as America, bear testimony to his success. The mode of the colonization of Virginia is characteristic of his cautious policy. He did not send forth a fleet with colonists on board, to make a settlement ; but granted the whole seacoast, for an extent of eleven degrees of latitude, to a trading company, under a charter designed to keep the colonists in the strictest dependence on the government at home. The power to manage their own affairs, or even to elect their own officers, was denied them ; two Councils

were appointed by the Crown, one resident in London, the other in Virginia, both bound to act according to its instructions. Religion, it was specially enjoined, was to be established according to the forms of the Church of England. Thus the colonists were placed in absolute dependence on the Councils, and the Councils on the Crown: not a single political franchise was given them; the liberty of trading with other countries than England was the only thing conceded. No one was at that time disposed to quarrel with these conditions, which were afterwards found so galling, and in 1607 James-Town was founded, the oldest English settlement in the New World. They had to contend with great difficulties arising from their want of unity and the hostility of the natives, and the king took advantage of their condition to revoke the charter and dissolve the company. The colony, though it struggled hard against this act of tyranny, gained in the end by the termination of the mixed and incongruous rule of the government and a mercantile corporation. The spirit of freedom had been roused by the attempt to revoke the charter; the forms of popular assembly and debate had been introduced among the colonists, and were not suppressed when the company was dissolved. While arbitrary power under Charles I. was proceeding in England to its consummation, the Virginians enjoyed a virtual freedom; and they adhered to the Crown and to Episcopacy, when both were trampled under foot in the mother country. The shores of the Chesapeake became a place of refuge for the discomfited Cavaliers; and Charles II. might still call himself the king of Virginia, though the Commonwealth of England rejected both the office and his claim to it. Towards the Commonwealth itself its relations were more friendly than might have been expected from these monarchical and aristocratic tendencies. The appearance of a frigate bearing the Commonwealth's commissioners made the Virginians lay aside all thought of resistance. The compact by which they acknowledged its authority contained ample stipulations for their own liberties. No taxes or customs were to be levied except by their own representatives, no forts erected, no garrisons maintained, but by their own consent. They even exercised the right, though not expressly granted to them, of electing their governor; and during the whole of the

Protectorate, the harmony between them and the government of England was not disturbed. Mr. Bancroft has pointed out the error of previous writers, including Robertson, who have represented the Virginians as discontented and oppressed. They already formed a democracy nearly independent, every freeman having a right to vote, and this was a bond of union between them and republican England, far stronger than the repulsion which might arise from the establishment of Episcopacy among them. The church indeed had little political influence; and was subjected to the control of the assemblies. In these circumstances the colony rapidly increased in population and prosperity. Our author's pen almost "grows wanton" in the description of the physical qualities and productions of this magnificent region.

"The genial climate and transparent atmosphere delighted those who had come from the denser air of England. Every object in nature was new and wonderful. The loud and frequent thunderstorms were phænomena that had been rarely witnessed in the colder summers of the North; the forests majestic in their growth, and free from underwood, deserved admiration for their unrivalled magnificence; the purling streams and the frequent rivers, flowing between alluvial banks, quickened the ever-pregnant soil into an unwearyed fertility; the strangest and the most delicate flowers grew familiarly in the fields; the woods were replenished with sweet barks and odours; the gardens matured the fruits of Europe, of which the growth was invigorated and the flavour improved by the activity of the virgin mould. Especially the birds, with their gay plumage and varied melodies, inspired delight; every traveller expressed his pleasure in listening to the mocking-bird which caroled a thousand several tunes, imitating and excelling the notes of all its rivals. The humming-bird, so brilliant in its plumage and so delicate in its form, quick in motion, yet not fearing the presence of man, haunting about the flowers like the bee gathering honey, rebounding from the blossoms into which it dips its bill, and as soon returning 'to renew its many addresses to its delighted objects,' was ever admired as the smallest and the most beautiful of the feathered race. The rattle-snake, with the terror of its alarms and the power of its venom; the opossum, soon to become as celebrated for the care of its offspring as the fabled pelican; the noisy frog, booming from the shallows like the English bittern; the flying squirrel; the myriads of pigeons, darkening the air with the immensity of their flocks, and, as men believed, breaking with their weight the boughs of trees on which they alighted—were all

honoured with frequent commemoration, and became the subjects of the strangest tales."—"The hospitality of the Virginians was proverbial. Labour was valuable; land was cheap, competence promptly followed industry. There was no need of a scramble; abundance gushed from the earth for all. The morasses were alive with water-fowl; the creeks abounded with oysters, heaped together in inexhaustable beds; the rivers were crowded with fish; the forests were nimble with game; the woods rustled with coveys of quails and wild turkeys, while they rang with the merry notes of the singing birds; and hogs, swarming like vermin, ran at large in troops."—Vol. i. p. 233.

The state of society in Virginia was singular. Landed possessions were large, towns small and thinly scattered, scarcely any commercial industry or accumulation of capital by its inhabitants, whose exchanges were carried on for more than a century by factors of foreign merchants, collectors of the tobacco, which was almost the sole wealth of the country, and in which taxes and church-rates were alike paid. The English law of primogeniture prevailed; the church took an aristocratic character from its Anglican descent, and the general tendency of Virginian society. The gentry who emigrated from England during the Civil Wars were superior in education, intelligence, and knowledge of affairs to the rest of the inhabitants, among whom education was at a very low ebb, and thus power naturally fell into their hands. A broad line of demarcation was drawn between the proprietary and the labouring class. Manufactures there were none; everything was supplied from England, beyond what domestic industry might produce—thus the only working man was the agricultural labourer. He was in general either a negro slave or a convict. Transportation to America, with servitude there, was the punishment of social crimes, and the lot of the defeated party in the political struggles of the mother country. The Scots who were taken in the battle of Dunbar, the royalist prisoners of the battle of Worcester, the Catholics of Ireland, were shipped in great numbers for the plantations, being sold in Europe to the highest bidder, and re-sold on their arrival. Their bondage was usually for a limited time, and the laws of the colony favoured enfranchisement, and upon enfranchisement followed political rights. But it is evident that no fusion

could take place between a high caste of wealthy land-owners, and those who were tainted with such an origin, and that if the right of voting belonged to all, the exercise of power would be monopolized by the planters. Local jurisdiction was also in their hands; from the absence of towns and consequently of municipalities, there were no local magistracies, and the office of Justice of the Peace was filled by them. Negro slavery aggravated the tendency to the formation of an aristocracy, insulated in feeling from the rest of the community; since the blending of the black and white population was impossible. Thus there arose in Virginia no powerful plebeian body of small landowners, merchants and manufacturers, to share political power, and, without any constitutional monopoly, a patriciate of planters was virtually formed. In later times other influences came into play. The Restoration greatly limited the elective franchise and increased the power of the Crown and the Church. The necessity of defence against the Indians and the French in the middle of the 18th century made the Virginians excellent soldiers; the higher classes had used their leisure for educating themselves, or sent their sons to England for education. And hence, when the time of the great struggle came, Virginia furnished not only the best officers and men to the armies, but the most energetic orators, the ablest statesmen to the cause of independence, the wisest Presidents (Washington, Jefferson, Madison, Monroe) to the new Republic. The republicanism of Virginia, however, retained the traces of its origin; it was personally aristocratic, though politically democratic, and would have shunned plebeian democracy as a vulgar abomination. It was of that kind which rather seeks to level all above itself than raise all below. It would perhaps be unjust to say that it was more akin to pride than to philanthropy; yet there was truth in the sarcasm of Day, who figured to himself an American patriot, holding the Declaration of Independence in one hand, and brandishing a cart-whip in the other.

We turn to the other great province of North American colonization, to contemplate the widely different history and character of its settlers. Mr. Bancroft does full justice to his Puritan forefathers in New England, their piety, their self-devotion, their patience under suffering, their

severe morals, and their ardent love of civil and religious liberty. He has not overstated the value of the services which Puritanism has rendered to mankind in the following contrast with chivalry.

"Historians have loved to eulogize the manners and virtues, the glory and the benefits, of chivalry. Puritanism accomplished for mankind far more. If it had the sectarian crime of intolerance, chivalry had the vices of dissoluteness. The knights were brave from gallantry of spirit; the Puritans from the fear of God. The knights were proud of loyalty, the Puritans of liberty. The knights did homage to monarchs, in whose smile they beheld honour, whose rebuke was the wound of disgrace; the Puritans, disdaining ceremony, would not bow at the name of Jesus, nor bend the knee to the King of kings. Chivalry delighted in outward show, favoured pleasure, multiplied amusements, and degraded the human race by an exclusive respect for the privileged classes; Puritanism bridled the passions, commended the virtues of self-denial, and rescued the name of men from dishonour. The former valued courtesy; the latter justice. The former adorned society by graceful refinements; the latter founded national grandeur on universal education. The institutions of chivalry were subverted by the gradually-increasing weight and knowledge and opulence of the industrious classes; the Puritans, relying upon those classes, planted in their hearts the undying principles of democratic liberty."—Vol. i. p. 468.

The colony of Massachusetts resembled that of Virginia, inasmuch as an organized political body grew out of a commercial corporation; but in every other respect they stood in marked contrast to each other. The soil and climate of Virginia furnished easy and abundant means of subsistence, and cherished in its inhabitants an indolent and Epicurean character; the New Englander had to contend with an ungenial climate and a soil which though not ungrateful is not naturally of high fertility. Riches which offered themselves to the southern planter with little labour of his own, by means of bondsmen and negro slaves, was earned with toil and danger by the New Englander, from fisheries and the navigation of a stormy ocean. The spirit of Independency which carried to the utmost limit the rejection of hierarchical authority, and made every man a judge for himself in his highest spiritual concerns, disposes him to equal boldness in the maintenance of his civil rights; Episcopacy teaches acquiescence,

subordination, and a right to command independent of the choice of the governed. General education was one of the first means which the Puritans of New England employed to train up a race who should be able to defend and enjoy liberty. "To the end that learning may not be buried in the graves of our forefathers, it was ordered in 1647, that every township after the Lord had increased them to the number of fifty householders, shall appoint one to teach all children to write and read; and where any town shall increase to the number of one hundred families, they shall set up a grammar-school, being able to instruct youth so far as they may be fitted for the University." The governor of Virginia rejoiced that they had no such thing as a grammar-school among them, and trusted that they should have none for a hundred years to come. In Virginia the Church had little influence on the State; the religious enthusiasm which had founded the New England Colonies blended religion most intimately with all the affairs of life, and gave the ministers a predominant influence in matters which lay beyond their sphere. Originally only church members enjoyed the elective franchise; the ministers were the counsellors of the community in political affairs, drew up state papers, and went on embassies. This religious zeal and clerical influence was the cause of some of the least creditable events in New England history. When Roger Williams promulgated the doctrine that the civil magistrate should restrain crime, but never punish heretical opinion, the zealots of New England cast him out, declaring any one to be worthy of banishment who should assert that the magistrate might not intermeddle, even to stop a church from apostacy; and he was compelled to withdraw to Rhode Island, to found there the first community in which the rights of conscience were recognized in all their amplitude. Laws were enacted against blasphemy; absence from public worship was punished by fines; Baptists were fined and whipped; Quakers were banished on pain of death. The disgraceful proceedings in the matter of the New England witches were urged on by the ministers, who charged with Sadducism every one who denied this manifest work of the devil. It would be uncandid not to ac-

knowledge, that in a community which needed the bond of a common and firm religious faith, to resist the many causes which tended to its dissolution, jealousy of schism was more excusable than in states and churches whose power is fully confirmed. Happily, intolerance was not established by unchangeable laws; the excess of Puritanical zeal was tempered by the progress of knowledge, and there remained only enough to make New England conspicuous among the states of the Union for morality, internal order, and ardent love of liberty.

Every one of the great sections of the American community was founded under circumstances which gave it a permanent character, more or less distinct from that of its neighbours. The Catholics of Maryland, the Quakers of Pennsylvania, the Dutch settlers in the New Netherlands, all stood in some respects in strong contrast with the people of Virginia or Massachusetts. We can notice specially only the history of Carolina, whose first code of laws is connected with the illustrious name of Locke. Carolina had been granted in the reign of Charles II., a reign, as Mr. Bancroft observes, not less remarkable for the rapacity of the courtiers than for the debauchery of the monarch, to Clarendon, and Monk, and the Lords Craven and Ashley Cooper, afterwards Earl of Shaftesbury, who had been constituted, with some others, its proprietors and immediate sovereigns. Two years afterwards they obtained a still more enormous grant, "comprising all the territory of North and South Carolina, Georgia, Tennessee, Alabama, Mississippi, Louisiana, Arkansas, much of Florida and Missouri, nearly all Texas, and a large portion of Mexico." Within these limits they had not only general powers of legislation, with the consent of the future free inhabitants, but were specially empowered to erect cities and manors, counties and baronies, and establish orders of nobility, provided they had other than English titles. No doubt at the court of Charles II. the recent overthrow of the Commonwealth had produced a conviction, that all republican government was to come to an end, with a determination not to allow it to raise its head in any new settlement, and to undermine it in the old. Shaftesbury, whose character is drawn with discrimination and power

by Mr. Bancroft, and in more favourable colours than by most English historians,\* was commissioned to draw up a constitution for this nascent empire in the West; and he called Locke to his aid—Locke, whose steady friendship for him is one of the strongest presumptions that common opinion has done him injustice. The preface to this constitution declares it to be the object to give the new state a monarchical character, in harmony with the monarchy of which it was to be a part, and to prevent the growth of too numerous a democracy. The proprietaries formed a close corporation of eight, and their number could never be increased; the dignity was hereditary, or, in default of heirs, perpetuated by self-election. Two orders of nobility were created; one landgrave or earl, two caciques or barons, for each county. Tenants holding ten acres of land at a fixed rent were to be adscripts to the soil, and without political franchise, which could not be conferred on a freehold of less than 50 acres, nor with less than 500 could a man sit in Parliament. The constitution of this Parliament was curiously complex, and designed to secure aristocratical predominance: the estates assembled in one chamber; but no subject could be proposed except through the council of the proprietaries, who had thus secured to them a negative before debate. That a man of such enlarged views as Locke should have proposed this constitution for a colony, can only be accounted for from the horror of democracy, which the result of its triumph in England had produced. That he should have believed it possible, by such arbitrary and artificial arrangements, to maintain an aristocratical government in America, amidst colonies already so far advanced in the opposite direction, may seem an impeachment of his sagacity, especially to those who have the advantage of judging after the event. But we do not understand the connexion which Mr. Bancroft endeavours to establish between these aristocratical tendencies, and the metaphysical principles of Locke; his comparing the soul to a sheet of white paper, his believing conscience to be nothing else than our own opinion of our own actions, or infinity an idea

\* Mr. William Belsham is one of the few who have spoken favourably of Shaftesbury. See the Note to his Introduction to his History, vol. i. p. 87. No doubt Hume's character of him is grossly unfair.

derived from the senses, purely negative, and belonging only to space, duration and number. He has elaborately contrasted his philosophical opinions with those of Penn, whom he regards as a Transcendentalist by anticipation, and the Constitutions for Carolina with the code which the Inward Voice dictated to the founder of Pennsylvania.\* Now this inward voice is nothing else than the suggestions of wisdom or the impulse of feeling and conscience. We do all honour to the benevolence of Penn, but we believe Locke's to have been equally pure, and that he was fully persuaded that he was giving the plan of a constitution which would most effectually promote the happiness of those who lived under it. Penn founded a colony, the nucleus of which was a community among whom distinction of ranks was already abjured; to have endeavoured to re-establish it, would have been a manifest absurdity. Locke's constitution was soon laid aside; but except democratic equality, what else of the principles of Penn has remained in the state which bears his name?

The seeds of the dissolution of the union between England and her American colonies were sown almost from their origin. The relation of parent and child was rather a figure of speech than a description of the mutual feeling of the parties; the mother country sought primarily her own profit, and the prosperity of the colony only as the means of increasing that profit. Hence, first of all, royal monopoly; Charles I. claimed the pre-emption of all the tobacco of Virginia; then commercial monopoly; no ship laden with colonial commodities might sail from her harbours for any ports but those of England; then the Navigation Act, compelling the colonists to employ only English shipping for the transport of their produce. The parent soon became jealous lest the child should grow too rapidly to manhood. "Massachusetts," said Sir Joshua Child, "is the most *prejudicial* plantation of Great Britain; the frugality, industry, and temperance of its people and the happiness of their laws and institutions promise them long life and a wonderful increase of people, riches, and power." The Revolution in England, which was accompanied with a great increase of influence to the mercantile classes, made her policy towards the American colo-

\* Vol. ii. p. 377, foll.

nies still more selfish, and the navigation laws were more rigidly enforced. Manufacturing and agricultural interests claimed to be considered at their expense. The growth of wool in the colonies would cause rents to fall in England; no woollen manufacture, the produce of any English plantation in America, could be carried by land or water to any other plantation or elsewhere. The currency of the colonies was depreciated for the gain of England. England encouraged the importation of slaves into the Southern States, against the will of the inhabitants, not only because it was profitable to her merchants, but because the negro was not likely to become a republican. There were germs of future disputes, in questions which as yet had scarcely come into discussion. What were the limits of the authority of the Crown and the Parliament? Could the colonies be taxed at the discretion of Parliament; should officers appointed by the Crown distribute the money which the colonies voted, or should they be responsible to the colonial legislatures? Reflecting men saw in the growing power of the colonies, and in these unsettled questions, elements of discord. In 1701 the lords of trade in a public document declared that the independency the colonies thirst after is now notorious; in 1705 it was said in print, "that they would in time cast off their allegiance to England, and set up a government of their own." These were indications of an event yet afar off. The colonists felt the grievances under which they laboured, but they felt their own weakness also.\* The colonial system was supported, not by the power of England only, but of all the commercial states of Europe; they would have disconcerted an attempt at emancipation which would be a dangerous precedent for themselves; the acknowledged principles of public law, the common interest of states, rejected the idea of interference between the mother country and her colonies. Those of North America had yet no union among themselves which could have made their resistance effectual. The vicinity of French settlements kept them in alarm, and retained them in allegiance to England, whose power alone was adequate to their protection, and the New England states during the war of the Austrian Succession attacked the

\* Bancroft, vol. iii. ch. 19.

French province of Cape Breton, and captured the strong fortress of Louisburg. At the close of that war, George Washington was a youth of sixteen, learning the art of a surveyor, in the woods of Virginia; of all the eminent men of the Revolution, Franklin alone had taken any conspicuous part in public affairs. We shall conclude our extracts with Mr. Bancroft's ably drawn character of him, which we quote with the more pleasure, because he has been undervalued in an age which delights in a vague and mystical philosophy, and is disposed to overlook the claims of benevolence and practical wisdom, in its admiration of mental power and an indomitable will.

"The clear understanding of Benjamin Franklin was never perverted by passion, or corrupted by the pride of theory. The son of a rigid Calvinist, the grandson of a tolerant Quaker, he had from boyhood been familiar not only with theological subtleties but with a Catholic respect for freedom of mind. Adhering to none of 'all the religions in the colonies,' he yet devoutly, though without form, adhered to religion. But though famous as a disputant, and having a natural aptitude for metaphysics, he obeyed the tendency of his age, and sought by observation to win an insight into the mysteries of being. Loving truth without prejudice and without bias, he discerned intuitively the identity of the laws of nature with those of which humanity is conscious; so that his mind was like a mirror in which the universe as it reflected itself revealed her laws. He was free from mysticism even to a fault. His morality, repudiating ascetic severities and the system which enjoins them, was indulgent to appetites of which he abhorred the sway; but his affections were of a calm intensity; in all his career the love of man gained the mastery over personal interest.—To superficial observers he might have seemed as an alien from speculative truth, limiting himself to the world of the senses; and yet in study and among men his mind always sought, with unaffected simplicity, to discover and apply the general principles by which nature and affairs are controlled. Never professing enthusiasm, never making a parade of sentiment, his practical wisdom was sometimes mistaken for the offspring of selfish prudence; yet his hope was steadfast, like that hope which rests upon the Rock of Ages; and his conduct was as unerring, as though the light that led him was a light from heaven. He never anticipated action by theories of self-sacrificing virtue; and yet in the moments of intense activity, he, from the highest abodes of ideal truth, brought down and applied to the affairs of life the sublimest principles of goodness, as noiselessly and unostentatiously as became the man who, with a kite and a hempen string, drew the lightning from

the skies. He separated himself so little from his age that he has been called the representative of materialism ; and yet when he thought on religion, his mind passed from reliance on sects to faith in God ; when he wrote on politics, he founded the freedom of his country on principles that know no change ; when he turned an observing eye on nature, he passed always from the effect to the cause, from individual appearances to universal laws ; when he reflected on history, his philosophic mind found gladness and repose in the clear anticipation of the progress of humanity."—Vol. iii. p. 378.

With the peace of Aix-la-Chapelle, in 1748, Mr. Bancroft's History of the Colonization of the United States terminates, because in it he sees the commencement of that series of events, of which the War of Independence was the necessary result. He is understood to have been since diligently employed in preparing for the continuation of his work ; and his present visit to Europe, in the high office to which his talents have raised him, will afford him the opportunity of perfecting it by new researches. The lessons which these volumes everywhere inculcate are the superiority of democracy to all other forms of government, the selfishness of the colonial system, and its consequent tendency to self-destruction. In regard to the first, we would suggest a modification, obvious to every one who reads the history, and not less seasonable, that to make the self-government of a democracy safe, it must be preceded by a long apprenticeship. The American colonies did not rush into republicanism ; they carried with them from England the long-established habit and forms of municipal government and representative legislation ; to remove the controlling influence of the mother state was all that was wanted to enable them to enter on a course of independent action. Even the federation of the provinces had been prepared beforehand. In 1754, when invasion by the French was dreaded, Franklin proposed a scheme according to which, while each colony retained its own constitution, a general government should be formed by election from the several legislatures, which should have a President at its head, and exercise all those functions which did not obviously belong to the home government and the imperial legislature. It was laid aside for the time, being deemed by one party too favourable to

England, by the other to America, but it was resumed when the hour of independence arrived. The founders of the American constitution changed nothing in the organization of society, and therefore the healthy and combined action of its parts was only momentarily checked. In the government of her colonies England was undoubtedly selfish; she administered them according to the principles of an age when commercial policy, international law, criminal justice, even family relations, were all tainted with selfishness. Yet tried by a comparison with her contemporaries, the wisdom and liberality of the colonial government of England were not unworthy of her own pre-eminence in freedom. While America recalls the restrictions on her commerce and her liberty as a reason for rejoicing in her independence, the contrast of her own condition with that of the colonies of Spain and Portugal, France and Holland, should make her grateful for her English descent and English education.

## ART. III.—NATIONAL DEBT AND TAXATION.

1. *The National Debt.* (Article in Penny Cyclopaedia.)
2. *Thoughts on the Principles of Taxation, with Reference to a Property Tax and its Exceptions.* By Charles Babbage, Esq. London : Murray. 1848.

It is impossible for a thoughtful man in these days to avoid feelings of misgiving concerning our whole system of National Debt. The profligate expenditure in the French Court, from the time of Louis XIV. downward, occasioned the first dreadful overturn of the throne, the aristocracy, and the entire social life of that country. The equally profligate expenditure of Louis Philippe could not have continued much longer without issuing in a similar revolution to that which has been precipitated by other causes. But the conduct of French royalty has this unhappy excuse, that other powers have done the same. The Pope set the example of mortgaging the public taxes ; the Dutch and the French did but follow it. The English have been more eager imitators still, if the absolute amount of our engagements is considered : and, as if *to rule* and *to borrow* were things identical, we have run up in India also a debt which would seem gigantic, only that it is dwarfed to the imagination by the immeasurable heap of our English liabilities. In all Europe there is but one nation which has learned how to work herself clear of debt ; the comparatively poor and very democratical Norwegians. Lest this should entice us to believe that prodigality is peculiar to monarchs, and that a republic is a cure for the vice, the United States on the other side of the Atlantic have just brought on themselves an unmanageable debt by their Mexican war. It is therefore fair to regard this as the besetting sin of our age, prompted by the high development of commercial credit and by the great stability of governments. As a hale and strong man persuades himself that he may without mischief indulge in a bout of intoxication ; so our governments, when their credit stands high, rush into courses which tend to lay that credit low. There never was, from the beginning of the world, a nation

that had lasted a thousand years on so broad a basis of social strength, with a political constitution so well tempered, and with industry so various, so energetic, so intelligent and so unbroken by calamity, as England: and never was there a nation which compared to our fathers in the lavish eagerness with which they contracted debts to be left to a distant posterity. The mischievous nature of the taxes by which the national credit has been supported is equally striking. In spite of elaborate commissions of Parliament and Sir Henry Parnell's zealous efforts, such a heap of absurdities continued, that Sir Robert Peel had to deal with 400 articles at once, which ought never to have been taxed. Yet the Excise, the Window Tax, and the License Duties, and the enormous percentage on Tea and Wine, are still a scandal; only that all this is outweighed by the greater scandal, that from year to year we struggle on in doubt and alarm about our incomings. When it is considered that we are by far the wealthiest nation that the earth has ever seen, it is surely a phenomenon which deserves to be deeply pondered, that in a long general peace we make no sensible progress in paying off the debts of war. Nay, it is hard to keep any little surplus in prosperous seasons, which may free us from anxiety about the public revenue in years of comparative poverty. We who individually understand Insurance against Fire, Sea, Hail, and even Death, scarcely make an approach to such management in national affairs.

While the habit of *living on credit* is undoubtedly a vice of the Age, it deserves to be the more seriously still pondered, that it is also a vice of our peculiar Constitution. A despotic monarch seldom dares to tax his people so heavily as a Parliament will tax them; and certainly, he can never saddle posterity with the same amount of debt; for he cannot persuade men to trust him so far. It has often been said that the liberties of England were bought of our kings in old times; but the same has lasted almost to this day. The party-instinct of Toryism has often denounced the Whig Revolution as the great era from which corruption of Parliament began; and if that is not strictly true, yet it is certain that thenceforth National Debt and Constitutional Rights sprang together into vigorous life. Ever since the triumph of the aristocracy

over the despotic pretensions of the Crown has been complete, it is easy to trace the interest which every ministry has had in making the administration as expensive as the Parliament and the nation will endure. Corruption in its grosser forms scarcely now exists, yet the pressure of the aristocracy on the possessors of patronage makes it morally impossible for the best of ministers to be more economic than Parliament or the public poverty compel him to be. On the other hand, the tumults of war and the scandalous prodigality of past times has led to an hereditary mystifying of the public accounts; so that it is equally impossible for Parliament effectually to control the minister. All that can be done is to complain of too large a stipend to some prince or royal lady; to carp in vague terms at lavish expenditure, or doggedly refuse some new tax: but to suggest retrenchment in detail is seldom within the power of unofficial persons. Thus no check is left against profuseness, except public calamity or wide-spread popular agitation.

Let it be remembered, that this is our normal state, under Whigs or Tories alike. A minister cannot reduce army or navy, withdraw a governor, throw up a useless dockyard, or undo what his predecessor wrongly did, without bringing on himself active odium from the persons necessarily discharged. And in fact there is an impropriety in the State suddenly cashiering its servants, except from absolute necessity: thus every step of increased expense is apt to be permanent. What is more discreditable, but not wonderful,—when retrenchment *must* be made, the minister is sure to cashier the little and weak people, but pass over the strong, whose enmity is feared. But into details of this sort (which will probably ere long be forced into light), we do not now intend to go: suffice it to say, that while a step backward is so difficult, a minister needs great virtue to refuse to be urged forwards into new and new expense. Since the Reform of Parliament, thrice within ten years we have heard England re-echo with the panic of military and naval men, who desire to expand their own profession with a zeal natural to every class: moreover, as civilians find it hard to oppose their own opinions to what is called a scientific and experienced judgment, an English minister has an unfair battle to fight,

should he even personally be uninfect by the alarm. Hence he is tempted to lay all new payments, as far as possible, on posterity, thus mortgaging the national revenues deeper and deeper. In the midst of prosperity, and while the taxes were near 6 millions less than now, we engaged to pay 20 millions to aid our slave-colonies in the passage to freedom ; and the sum was added to the permanent debt ! Recently, also, when Parliament voted 10 millions to relieve Irish famine, 8 of the 10 were borrowed, and to obtain this, the sum of 9 millions was added to the Consols. This is the more remarkable, because the Chancellor of the Exchequer was understood to be averse to that arrangement, but to have been overpowered by the money-lenders, who chose to dictate it.—“They are very fond of Consols !”—No wonder : we do not blame them : such stock suits those who live by keeping their money moving : it is more marketable than terminable annuities. But see the humbled position of a great State, when it has to supplicate the money-lender. It is not allowed to practise the virtue of self-denial, but is ordered to forestal the resources of posterity !

Meanwhile statesmen have apparently abandoned all idea of paying off the Debt. Mr. Pitt’s celebrated device of “a sinking fund,” formed by storing up one million a-year, had at least the merit of confessing that there ought to be a day of honest payment. In fact, however, this miserable million was *borrowed* year by year,—borrowed, when the credit of the government was lower than that of the merchant !—and caused the State a clear loss of eleven millions before the fund was abolished : thenceforth people seem satisfied to let the payment of interest be literally perpetual. The able writer on the National Debt, whose article in the Penny Cyclopaedia stands in our heading, quietly remarks, that “*experience has proved* that the only important relief which will ever be obtained,” consists in lowering the yearly interest of the Debt ; as, from 5 per cent. to 4, and from 4 to  $3\frac{1}{2}$ . This remark is no doubt an *induction* made from the conduct of past statesmen, which is assumed to be a law for futurity. If so, a horrible catastrophe awaits us, which will convulse the whole English empire ;—not perhaps during this generation, yet certainly within calculable prospect. So mighty a frame

will die hard ; but it cannot contend against the laws of Economy, which are real laws of Nature.

There are some who, with Southey, maintain that the nation *collectively* is not poorer for the debt ; and although they egregiously err in maintaining that it is no evil, they seem in other respects to have more truth than their adversaries will often admit. More perhaps is to be said for that side than Southey knew how to say. At first thought, it may appear that if the nation spent 700 or 800 millions in wars which brought her no benefit, she must now be poorer by that large sum, and by all which on the principle of ordinary increase ought to have accrued to it. But this is a mere arithmetician's view. If such a sum as 800 millions were this instant poured into our lap, and we had no debt to pay off, we should undoubtedly be embarrassed what to do with the property. A large part would be spent in present enjoyment, and would not reproduce itself ; another larger part would go abroad for a hundred mushroom schemes ; as much more would be wasted in unprofitable speculations at home ; and only a small fraction of the whole would add to the permanent wealth of the country. Much more would this have been the case from thirty to sixty years ago, when steam conveyance was in its infancy and investments of every kind were fewer than now. Even in spite of the immense waste of our American and French wars, we have been many times troubled by overabundance of capital. This caused the speculations of 1825 and of 1837 ; so that if we had had a government as frugal as it was extravagant, as peaceful as it was pugnacious, the probability is that the low interest of money in England must long since either have checked the farther increase of capital, or have driven the capital abroad to look for investments, where the greater part would have been lost. In any case it is hardly probable that the capitalists of England would have been sensibly richer than now : but there is an honourable possibility remaining. Great Britain might be now adorned with thousands of splendid and beautiful monuments and other delightful improvements which yield no private profit ;—enjoyment for poor, as well as rich. But we confess that it is very doubtful whether refinement and knowledge were at all so ripe among us as to make the last contingency probable.

How then is our present state affected by the Debt? Simply in this: that the Government, instead of letting individuals either spend their money or find investments for it, has come forward to offer an investment itself on the faith of the nation. Thus the firstfruits of general industry are nipped off and presented to private persons. Those private interests indeed honestly bought their right, and to confiscate it would shake all existing property. Yet *the effect* to the majority is just the same as if a privileged order of men were allowed to tax the nation for its own convenience: *for the mass of tax-payers have received nothing as an equivalent for that which they pay.* Now when Southey argues that *the nation collectively* is no poorer by the process of gathering money from *all* and re-distributing it *to a part*, we quite agree to the statement, looking at least to the results of a single year: but the same remark would hold, if instead of thus collecting and re-distributing 27 millions yearly, we were to increase the sum to 100 millions; or again, if we dispensed with the formality of first borrowing and throwing away the money of individuals, and granted away to them the national revenues as a free gift; or if we laid all the taxes on one class, (especially on the poor,) and exempted the rich. It is evident that the tendency of this would be to depress the many and enrich the few; which is really the effect of our present system.

But this leads us farther to a yet more fundamental and painfully anxious topic:—Is it morally right to forestal the revenues of posterity? Some will reply, “Certainly not, *if it can be helped;*” and will think that this solves the whole question. But the interrogation must be repeated: “Is there no limit beyond which we may not count the revenues of posterity *our own?*” For certainly, if asked whether it was allowable to mortgage one’s neighbour’s property, no one would answer, *Not if you can help it.* What is it, then, which justifies us in treating the property of future generations as our own, so as to make our acts binding on our successors? There is no longer difficulty in answering:—it is,—the fact of our transmitting property to them. This also shows what is the limit; namely, we may not burden our successors to a greater amount than the worth of the property which we transmit: or

more accurately still, we do not and cannot burden our successors at all ; we can only transmit to them property more or less burdened.—A new and most unwelcome light seems thus to be shed on national debt. No minister, in contracting a loan, can mortgage any thing but *the existing property* of the country for the payment : if he pretend to mortgage its *future industry*, his act is of itself as null and void, as if he had contracted to sell the children and grand-children into slavery.

This reasoning (we beg to inform the reader) has come upon us as a painful discovery, and is original to ourselves, though probably it has long been familiar to the Chartists ; for poverty and the pressure of taxes sharpens men's wits as to such matters. We have revised it again and again, and can find no error in it ; so directly does it seem to flow out of first principles. It is thus demonstrably clear that only that wealth which existed prior to 1815 can justly be taxed for the National Debt. Now in what does that consist ? The first reply will be, that the thing mortgaged was, *Government Property* of every kind. Yet it must not be forgotten, that no one would ever advance money on many parts of this property. Not only Martello Towers or Portsmouth fortifications would afford to a mortgagee a very poor revenue ; but even Government Offices and Royal Palaces would be worth little, unless there were a rich Government willing to pay high rent for the use of them. In this way, certainly, if a debt is but moderate, it may be fixed upon what is strictly public property, without peculiarly implicating that which is private. But while not a quarter of the eight hundred millions could have been borrowed on this understanding, it is doubtful whether the entire public property in 1815 could fitly be valued at from one to two hundred millions. It is farther to be considered, that even if the Government had then yielded over to the creditor the whole public estate, the enormous annual sums paid on the score of the debt by the industrious were in ten years' time abundantly sufficient to replace all that Government could reasonably desire. Yet these payments with some diminution continue to this day, and the interest of the debt is still  $27\frac{1}{2}$  millions. The industrious have thus already far more than re-possessed themselves of the actual public property of the

country, and there is nothing whatever left equitably to meet the claims of the fundholder, but the *Private estates* of land and houses which have been transmitted from the times in which the debt was contracted.

This is a very formidable conclusion ; but if it be true, let us not shut our eyes to it ; and even if it be not wholly and without modification true, let it be considered how many an honest man among the Chartist is unchangeably persuaded of it, and by no means intends to oppose the just rights and sound principles of property, when he repudiates the National Debt, *in its present form*, as "a fixed injustice ;" though he would have no objection to fixing it on the estates of the landowners. It need hardly be said, that not only is that impossible without a violent revolution, but, by reason of the land having been purchased in ignorance of this fearful mortgage, it would be resisted as unjust. But in what a condition does this represent the nation ! We have a debt of about 767 millions, to repudiate which will not only disgrace us, but will by the shock given to mercantile confidence bring industry to a stop, and afflict us with unmentionable horrors. Yet industry *ought not* to pay the debt or its interest, and property *will not* or *cannot*. The Chartist loudly proclaim, that they will "repudiate" as soon as possible, and that they regard as pillage the taxes imposed on them ; thus disaffection spreads and will spread. Meanwhile the thought forces itself on us,—What is all this but a confession that the STATE, as such, is utterly **INSOLVENT**, though we are a wealthy people ?

One thing seems manifest ; that if the present spirit of logical and fanatical resistance to taxation is met in no other way than hitherto, all our evils must be exasperated. If Government expenditure continues ; if taxes, a little remitted from the lowest class, are, by means of an income tax, put upon the professional and commercial classes ; these last also, in despair of other remedy, will in great numbers become Chartists. Not only all new taxes, but the substitutes for many old taxes too, must come upon hereditary wealth ; else the history of the past will be more and more raked up, and the sins of the old landowners will be visited on their living representatives. Nevertheless, in the outcry of public indigence, and after

so many continental revolutions, the Reformed House of Commons will not hear even of subjecting Freehold Land to those Legacy and Probate duties which all other property has so long paid ! This is something very like the aristocracy crying as the Chartists do,—“Other people may pay the debt ; we do not care who ; but we will not.”

Whether we are to be *called* an Insolvent State, is quite a secondary question : but we make bold to assert, that a moderately wise statesman would feel bound in conscience to *act* on that assumption, and look upon it as his first duty to call out in every rank, not only an increased willingness to pay taxes, but even, if possible, patriotic enthusiasm. At present, they talk and act as if the State had no embarrassments ; in fact, they could not be haughtier, if, instead of a *debt*, they had a *store* of 767 millions. Parsimony is treated as contemptible ; every other *honour* is thought more of, than the honour of clearing off our debts : and it is wholly useless to propose schemes of retrenchment, because it is perfectly certain that they will not be carried. Yet an entire revolution in finance is essential, to arrest us in our career of improvidence ;—to break violently through those evil *precedents* of a lavish and unprincipled race of ministers, by which all our statesmen are bound hand and foot. The month of March does not leave affairs in England in the same state in which the month of February found them. The revolutions of France, Italy and Germany have shortened the time allotted to us for self-reformation ; and *our existing legislators*, though the new Parliament is far less aristocratic than its predecessors, *remain blind to our danger* !

The question, which of late seemed so interesting, concerning the relative advantages of Income and of Property Tax, is now merged in far greater considerations. For *all* Property and *all* Incomes have so much to lose by leaving the Debt unsettled and the Taxes on the poor unjust, that it may seem suicidal for either class of the rich to insist punctiliously on their rights. But unhappily, the same landlord class which refuses to be taxed, insists also on maintaining the public expenses at their present height ; fatally assimilating themselves to the old

nobility of France. Such a combination is quite unbearable to the middle classes, who, in their turn, imitate the Parliament of France, in resisting farther taxation, in spite of the difficulties of the Government. And what now are the true prospects of the Fundholder? Is it not already revealed what a mockery and cheat is that word *Perpetuity*? If we estimate the payment as a *real* perpetuity,\* it appears that (at 5 per cent) about  $2\frac{1}{4}$  millions added to the annual interest would exterminate the whole in half a century: and so mad a proceeding is it to leave the debt to perplex remote posterity, that our first impulse is, to advocate this process; namely, by sustaining the revenue  $2\frac{1}{4}$  millions above what would otherwise be necessary. But we have to choose and compromise between opposite injustices, (what clearer mark seek we that the State is Insolvent?) and as, without continued sacrifice of strict right by the industrious, the interest of the debt cannot be paid at all,—neither 50 years, nor one year,—it seems, under the difficulties, a mild compromise to fix a rather distant time, (say 60 years hence,) on which the payments shall totally cease. Few persons now living will be affected by that; and if it made part of a comprehensive system of financial reform, adding stability to the Government and constitution, it is probable that it would not lower the Funds at all, nor in any way affect Public Credit.

That the interest of the debt was mingled up with the general expenses, instead of being defrayed by special taxes, is no accident, but matter of State Craft. To secure us from this in future, we want a law to forbid all public loans without stipulations for extinguishing the debt in ten years time; and to enact that special taxes, within those years only, shall be always levied to defray it. Perhaps a real Reformer would even now insist on providing for the  $27\frac{1}{2}$  millions by separate taxation.

\* The difficulty is, what rate of interest to assume. We find that at the end of the century, a little more than  $23\frac{1}{4}$  millions *for ever* will still be due to the fundholder. The value of that (at 5 per cent.) in the year 1900, as paid down, would be twenty times the sum: accurately, £471,600,000. Now as £1 a-year for fifty years amounts to £209.348, at 5 per cent., it follows that £2,252,708 a-year, for fifty years, (i.e. from 1850 to 1899,) would remunerate the fundholder for losing all payments *after* 1899.

Unless the landed aristocracy is willing to pay the half of it themselves, or an enormous reduction of expenditure takes place, no part of their power, and perhaps no part of their estates, will be retained by their immediate children.

But all Financial Reform is and must be a delusion, until a decisive Organic Reform of both Houses of Parliament takes place. If members chosen by the poor formed a powerful minority in the Lower House, and the Upper were disabled from obstructing, our finances might yet be saved, the parsimony suitable to bankrupts might be enforced, and the hearts of the masses be won back to the Constitution.

The absorbing interest of these topics almost paralyzes us from more than a slight notice of Mr. Babbage's pamphlet, noticed at the head of this article.

From the name of the author all would know it to be lucid and ingenious. As in a mathematical treatise, the whole of his few pages is evolved out of his primitive Postulate, which stands thus:—

“It is obvious, as a general principle, that all taxation ought to be proportioned to the cost of the service for which the taxes are paid.”

He proceeds to argue that the Service performed by the State is an annual one, and that accounts must be annually made up. He *tacitly assumes* that the cost of the service is proportional to the value of the property defended, and infers that men ought to be taxed according to that annual value, whether the property be permanent or temporary. An Income Tax therefore is the proper enactment. One objection to his doctrine he descends to notice and refute; viz. that “permanent structures” are not an annual outlay; but he replies that on an average the same sum is devoted to them every year; which prevents their affecting his conclusion. Yet, strange to say, he does not at all notice the Debt! On his “annual” principle, such a Debt is an impossibility. But while this hangs about our necks, that he should enter the lists as a champion for an Income Tax is a peculiar absurdity, damaging to his own cause; for it follows at once from his principles (as indeed from ours) that the Debt falls equitably only on hereditary property

as old as 1815. To pay it therefore, in Interest or Principal, we do not want an *Income*, but an *Old Property Tax*. To omit the Debt, is to omit the only thing of importance: for if we were free from it, even the Colonial Empire would not weigh heavy upon us, nor all the countless wastefulness of our administration: nor should we hear complaints from our patient commercial and professional classes.

Moreover his second assumption is grossly untrue. The cost of protecting property is not at all in any fixed ratio to its annual value; nor has any one ever imagined this: but the reason for taxing people in that proportion has been for their presumed ability to bear it. Mr. Babbage says that a man may then "*justly complain* that he is taxed for being richer than another?" we reply, *not justly*. It is *prima facie* right that he should be taxed more *because* he is richer; although that is rendered obviously inexpedient where it would discourage self-denial and industry. The presumption that a man's ability to pay taxes increases in at least as high a ratio as his absolute wealth, appears to us a much closer approximation to truth, than that which asserts the cost of protecting property to follow that ratio.

Mr. Babbage's theory supposes each individual of a nation to be so isolated from the rest as to have no presumable interest in their welfare. Each, it seems, is to pay a sort of *insurance* on his own property, and his own only. Accordingly, any one who chose to decline the insurance and take the risk, ought to be at liberty to do so. This would be carrying the Voluntary Principle farther than has hitherto been proposed. Many have said that protection of person and property is the sole duty of government: Mr. Babbage however puts the *person* out of the question by a strangely satirical argument, (viz., that the magistrates and the legislature, when a poor man is erroneously imprisoned or transported, do not rate his loss very high!) and resolves the protection of property into so individual a thing, that each man's property is to be protected at his own cost. But society has great moral interests: all are concerned that all should be protected; the rich are interested in not allowing any class to be ground down by taxation, and this is of greater importance than Mr. Bab-

bage's proposed Law, of which nothing practical, it seems to us, can be made, in respect to the general government.

On the other hand, the more the taxation can be thrown off from the general government on to localities, the better; because it strengthens political vitality, adds to the cheerfulness of contributions, and prevents times of Reform from producing dangerous excitement. This is certainly one application of Mr. Babbage's principle, to which no one can object: but local taxation has been guided by a better instinct than his in apportioning its burden. For the support of the poor, of the highways, of the police, the rates are levied, not according to men's total wealth, but according to the expensiveness of their dwelling. This is indeed sometimes oppressive,—as when the same house is at once the dwelling and the place of business, especially with shopkeepers in a spot where ground-rent is high; in which case the rates are a tax on the gross outgoings, not on the net expenditure. But when levied on what is strictly a dwelling-house, the tax appears as unobjectionable as any possible. Each man has to judge for himself at what rate he can prudently live; and to this sum the impost bears a pretty near approximation,—as it ought. Whatever is laid by goes to swell the permanent capital of the country, and will in due time be subjected to full demands. If our debt were disposed of, a *judicious* House Tax would well supersede all other Direct Taxation, except that on Building Land, which ought to be unsparingly heavy. Yet the aristocracy so managed that Peers' villas used often to pay less house-tax than Dolly's chophouse; so resolute are they not to touch our burdens with their little fingers.

But we have little heart to reason about any details, or any but the broadest principles, where it is certain that nothing will be done till our legislative machinery is remade, and men unshackled to precedent hold the helm of State. Let us hope that that may come speedily, and before the fate of France overtakes us.

ART. IV.—REFORMATION FROM WITHIN OR  
FROM WITHOUT? D'AUBIGNE, RANKE, AND  
CESARE CANTU.

1. *History of the Great Reformation of the Sixteenth Century in Germany and Switzerland, &c.* By J. H. Merle D'Aubigné. Second Edition, 1840.
2. *History of the Reformation in Germany.* By Leopold Ranke. Second Edition. Translated by Sarah Austin. 1845.
3. *The Reformation in Europe.* By Cesare Cantù. Translated by Fortunato Prandi. Vol. I. 1847.

If the epoch of the Reformation produced a Luther, an Erasmus and a Contarini, we need not be surprised to meet in a subsequent era, among the historians of that Reformation, with a D'Aubigné, a Ranke, and a Cesare Cantù.

Nature seems to have cast the power of action and of judgment in man, into a few types, which are for ever reproducing themselves. Omnipotence alone can discern the absolute right, and the absolute true: man is only capable of various degrees and modes of approximation. Setting aside the bigot of attack and the bigot of defence, the *modes* of approximation to the true and right in any cases of necessary change can never greatly vary from these three; the strong desire of change from without, partaking of the nature of attack; the moderate desire of change from within, partaking of the nature of defence; and the neutral, or critical position, different alike from the conservative and the antagonistic, and which, justifying the whole of neither, sympathizes though unequally with portions of both.

In respect of the ecclesiastical Reformation of the 16th century, and the chief actors in the promotion of the changes, which ensued both within and without the Catholic Church, Luther and Calvin may be obviously placed in the first of these divisions, Contarini and Valdez in the second, and (less distinctly) Erasmus and Melanethon in the third. The same variations of sentiment, which

marked the men who acted in those scenes, characterise also the men who now judge and write of them. The historians whose names we have placed above, afford a tolerably accurate indication of this. M. D'Aubigné is the reformer from without, full of undoubting antagonism. He is indeed in the happiest of human positions, the position of clearness and certainty. No clouds gather round his head, or if they do, they are quickly dispersed: no Babel of tongues assails him, without presently breaking up into a family of harmonious and intelligible languages. He stands like poor Oedipus of old, and like human nature so often now, at a place where three roads meet, but there is no riddle in store for him. To the blear eyes of others no help is at hand, but M. D'Aubigné has scarce turned himself round, when behold, to his penetrating vision there appears a sign-post, with three welcome fingers, neatly inscribed with these plain directions: this is the way to the truth, and those you should love; this to the devil and those you should hate; and this is the way to the place you came from. Nothing is more lucid than M. D'Aubigné's judgments: he waves the sheep and the goats to their respective sides with the hand of a master. Luther is everything one could wish: the Pope all that is undesirable. The Reformation was the pure light of heaven: the Church of Rome an Erebus of darkness. M. D'Aubigné has the advantage too of having in the Reformation, a *nouveau Christianisme*, a kind of second revelation, and it appears to us he studies the doctrines and the men of that time, with something of the reverence of a divine examining the doctrines and contemplating the characters of the Scripture. He regards the Reformation as not only occurring in the course of God's wise providence, but as specially contrived, adjusted and guided by that Providence, in a manner very similar to that which is usually exclusively claimed for Christianity. Luther is to him as a reformer, what St. Paul would be to another man as a Christian: and while the latter would show how Christianity might have sprung up, according to ordinary human apprehension, in the powerful Rome, or the learned Athens, but did actually and more suitably arise in humble Judea; so M. D'Aubigné indulges in a long discursive effort to show how the Reformation ought,

we might have supposed, to have arisen somewhere else than it did, in France or in Spain, but was wisely overruled to spring up in Germany and Switzerland.

The vividness and intensity of this conception of the specially providential character of the Reformation in his mind accounts to a great degree for the defects of his history as an impartial, candid and philosophical work. He is too much oppressed with a sense of the presence of the hand of God in the events and characters, which pass under his review, to judge of them freely: and believing everything thus to have occurred in the perfection of divine wisdom, he is indisposed to any considerations involving the question, whether, had we had the choice and the power, events might have been otherwise guided, and characters otherwise moulded, with advantage. This very peculiarity, however, interfering as it does with his freedom as a historian and a philosopher, imparts to him, as a narrator, a serious earnestness, and a grateful satisfied confidence, which, combined with the pictorial and graphic force of his style, render his volumes exceedingly attractive.

Ranke, then, must cease his surprise that D'Aubigné has had such a run through Europe, while his far profounder, more learned and more laborious work has not as yet got beyond a stately walk. D'Aubigné's history is a religious novel, with Luther for its hero. It has an easy wordiness about it which, sometimes wearisome to the exact thinker who wishes to give his time to thoughts alone, is but a rest and relief to the ordinary reader. And this easy progress is again abundantly girt up and intensified by the frequent occurrence of rapid and effective summaries, and enlivened by the multitudinous and romantic descriptions, with which characters and events are introduced and kept upon the stage.

Not that the Reformation in Germany by Leopold Ranke is at all deficient in a due admixture of these qualities. It is a great mistake to suppose it heavier and less entertaining than the history of the Popes. In our opinion it is quite equal to that favourite work, in entertaining variety, and in freshness of style, as well as in profounder qualities: but the ground it goes over is more beaten, and the contemporaneous discussion of German

history and politics, though philosophically cognate, is yet felt to encumber the course of the narrative. That diving into archives, far removed from ordinary gaze, and the bringing up of a pearl after every plunge, which distinguished the History of the Popes, has been busy again here, and imparts, if sometimes an uncouth, yet always a living interest to the story.

Though we class Ranke among those favourers of change who look at the change itself, from a neutral, rather than a party stand-point, we yet cannot be blind to the thorough Protestantism of both his works. Throughout his account of the Popes there is a determined bias to interpret their policy as purely secular, and he seldom extends to any of them even the tacit allowance that their course was really guided by the religious motives they professed. So with the Reformation. The Roman Church is regarded throughout as a corrupt institution, and the Reformation as a salutary innovation: the Reformers meet with a very fraternal treatment, and Luther, though not the faultless demi-god we see in D'Aubigné, is yet a manifest favourite. But there is a power of vision in Ranke for the deficiencies of the Reformers which D'Aubigné is entirely without, and an allowance for the difficulties and the good purposes of the Roman party, which the Genevese historian is no way disposed to make.

But assuming Cesare Cantù to be a tolerably good Catholic, neither of the above historians can rival the impartiality of the Italian, who though writing from the bosom of his Church, can see its many blemishes, and though evidently without any liking for the Reformers, can yet speak so handsomely of their labours and their characters. We suppose, however, Cantù is in fact a theological liberal, with the tastes and prepossessions of a Catholic, a reverence for the august idea of a Universal Church, a tenderness for the Church of his native land, and a sensitive perception of the harshness and unsympathizing narrowness of many of the views and modes of conduct of the continental Reformers. His work, though full of vivacity and interest, is slight and sketchy, as compared with the pulpit declamatoriness of D'Aubigné or the scientific ponderousness of Ranke. We have before us only the first of two volumes, and the contents of these are extracted from Cantù's

Universal History, of which there have been seven different reprints in Italy, and three translations in France, Belgium and Germany. He concedes more to the good qualities of the Reformers, than either of the Protestant authors do to their opponents, perhaps indeed because the nature of the case demands thus much from every unblinded writer. He can condemn a Pope and eulogize a Reformer. Hear him on Leo X. and Calvin:—

“Leo X. came to the Pontifical chair in the flower of his age. Cultivated, amiable and peaceful, he was an intellectual voluptuary. Sometimes he would listen to music, himself humming an accompaniment to the air ; at others, he witnessed the representation of the comedies of Macchiavelli and Bibiena, or assisted at the mock triumphs of the Court fools Querino and Baraballo. He disconcerted his chamberlain by appearing in public without his rocket, and sometimes even in boots. He hunted during entire days at Viterbo and Corneto, fished at Bolsena, caressed Aretino and Ariosto. He accepted the dedication of the very immoral poem of the latter; of the voyages of Rutilio Namaziano, one of the last pagans rabid against Christianity ; and of the annotations of Erasmus on the New Testament, which were afterwards placed in the index of prohibited books. In short he was a perfect gentleman, but a very bad Pope. He spent, 100,000 ducats at his coronation, which was celebrated with princely ceremonies and diversions. Besides dissipating the treasures amassed by Julius II. to drive the Barbarians from Italy, he pledged the jewels of St. Peter, and sold numberless places, so as to increase the annual expenditure of the Church to forty millions of ducats, and to incur immense debts. To indulge his family ambition he intrigued with foreign Princes, and was guilty of unheard-of rigours, so that the people said of him, ‘he rose stealthily like a fox, reigned like a lion, and ended like a dog.’ With all these faults he maintained the purest integrity in conferring benefices, &c.”—*Cantù*, p. 9-10.

“Calvin, being endowed with great talents and much general knowledge, was consulted by all parties. He preached almost daily, and though naturally of a weak constitution, attended the consistories, which were frequently summoned. He solicited shelter and assistance for refugees ; he was upright in his dealings, and of most unimpeachable morals. One hundred and twenty-five crowns was all the property he left behind him ; thus showing that although he had repudiated the gentleness and toleration of the apostles, he had not disdained their poverty.\* Strict without

“\* I do not believe the calumnies of the apostate Friar Bolsec, though they have been often repeated.

asceticism, religious without either charity or enthusiasm, and a determined defender of order, during his reign at Geneva, he promulgated and upheld good laws."—*Cantù*, p. 149, 150.

A question of considerable interest arises, on an examination of the different tendencies of these three authors, from the place and prominence which they respectively give to the reforming element, the presence of which all of them of course acknowledge. D'Aubigné represents the ordinary Protestant view—not the view which is claimed as especially Protestant by the anti-popish party in this country; we entirely exonerate this writer from the charge of anything so vulgar and contracted—but the view which contemplates the Reformation as a work entirely *ab extra*, as a great force brought to bear from without on a corrupt Church, as a deluge of water poured down from the heavens to purify the land. While Cantù on the other hand seeks to show from every circumstance he can bring to bear upon the subject, that the reforming power was already working actively within the Church, and was impeded rather than assisted by the violent efforts of the reformers; who in fact encumbered the true Church of Christ with their assistance.

"The Church herself," he says, "never sought to conceal, still less to justify, abuses, and pronounced judgment against them in all her Councils, whether general or local, in terms far stronger than those of the Reformers. Would it not have been possible for an exalted and sincere spirit, with a comprehensive and Christian resolution, to mediate between the lamentable discrepancy of ecclesiastical and political interests, and settle the division between Church and State? Would it not have been possible to effect the Reformation, peacefully amending without demolishing, by love and not by hatred, consolidating not destroying?"—"This problem can no longer be resolved, but it would have been an enterprise worthy of great men."—*Cantù*, p. 29.

Ranke seizes the remaining idea, when, while bringing honestly out into the light the genial and devout efforts after amelioration in the Church itself, he attributes the awakening power of those times to the fearless action upon the Church from without.

Certainly one of the most energetic provocatives to reforms both in the constitution and in the doctrine of Churches has, according to all history, been of this nature,

and proceeds from the existence of gross external abuses. In these the Reformer has generally found his best friends. The brutish and the selfish can feel these as well as the spiritually-minded, and disinterested. They form a plea which the ignorant can understand, which the carnal can enforce, and on which the vicious can be indignant. The existence of such things places in the hands of the doctrinal and spiritual Reformer an incalculable accessory power, and gathers round him a mass of worldly force, which no mere speculative movement could ever have secured to him. There is, however, one great drawback on success in resting the lever of reform on these abuses, which, notwithstanding the aid they render up to a certain point, makes their absence for the higher reforms at length a desideratum. When a Church is full of great practical abuses, the finer sense of the whole community is blunted. Men's minds are lowered and perverted by the contemplation of gross things, and errors not less real, and wrongs not less grievous, are suffered to pass unremoved, nay do actually continue unperceived, from their connection with a class of feelings more inward and spiritual, and perhaps even yet not perfectly developed. So that for the first rude attack of the doctrinal Reformer, a good array of grenadier abuses is invaluable; but for the subtler and more spiritual work, which remains, when the fort is taken, they are better out of the way. This constitutes the absurdity of those impatient persons, who, without any perception of differences, cry out for second reformations. There can be no second reformation equal or similar to the first: we have not the material. No Church in the world gives the handle to the Reformer which it once gave. They are all too well taught by the past and by the present; but this very fact clears the way for the perception and examination of less palpable evils, and leaves the mind free for a more refined, though more slow and arduous, undertaking.

No combination of circumstances could be imagined more conducive to success in their movement, than that which fell to the lot of the sixteenth-century Reformers. If they had had their choice of the precise moment in the world's and the Church's history in which they should step forward, this would have been the one in which they

would have implored to be born into the world. No doubt, M. D'Aubigné's main position is generally sustained, that Providence did select this as the fulness of time for their work. On a comparison of the times of the present and previous Popes, says Felix Malleolus, "there never was seen the custom and continual exercise of a more execrable exorbitancy of direption, deception, circumvention, derogation, decerpion, deprædation, spoliation, exactation, corrosion,\* and, if we dare to say so, of the fresh invention and renewal of all kinds of simoniacal corruption,† than is seen now in the time of a modern Pope," (Nicolas V.) "and is spreading day by day."

"In the beginning of the sixteenth century there were the bitterest complaints of the ruinous nature of the annates. It was probably in itself the most oppressive tax in the empire: occasionally a prelate, in order to save his subjects from it, tried to mortgage some lordship of his see. Diether of Isenburg was deposed chiefly because he was unable to fulfil the engagements he had entered into concerning his Pallium. The more frequent the vacancies, the more intolerable was the exactation. In Passau, for example, these followed in 1482, 1486, 1490, 1500: the last appointed bishop repaired to Rome in the hope of obtaining some alleviation of the burthens on his see; but he accomplished nothing, and his long residence at the papal court only increased his pecuniary difficulties. The cost of a pallium for Mainz amounted to 20,000 gulden; the sum was assessed on the several parts of the see: the Rheingau, for example, had to contribute 1,000 gulden each time. In the beginning of the sixteenth century, vacancies occurred three times in quick succession—1505, 1508, 1513; Jacob von Liebenstein said that his chief sorrow in dying was that his country would so soon again be forced to pay the dues: but all appeal to the papal court was fruitless: before the old tax was gathered in, the order for a new one was issued."—Ranke, vol. i. p. 272, 3.

To these causes of dissatisfaction were added the heavy losses of territory sustained by Christendom to the Turks, which men believed would have been prevented, had half

\* We find ourselves justified in the above latinized rendering by the hospitable scholarship of Dr. Johnson, who admits all the above words into the English language.

† Or it is rather "of all simoniacal corruption in the matter of new introductions (into livings) and renewals (of such privileges)." The Latin words are, "et omnis si audemus dicere simoniaca pravitatis adinventionis novæ et renovationis."

the broad pieces which rolled into the papal treasury been transferred to the military money-chest ; the collisions between the princes and the Pope on subjects of jurisdiction ; the swarms of mendicant friars who overshadowed the land like locusts ; and the independence, notwithstanding all their exactions, on the part of the clergy, of all the common burdens and responsibilities of citizenship.

" The cities felt the exemptions enjoyed by the clergy peculiarly burthensome. It was impossible to devise anything more annoying to a well-ordered civic community, than to have within their walls a corporate body which neither acknowledged the jurisdiction of the city, nor contributed to bear its burthens, nor deemed itself generally subject to its regulations. The churches were asylums for criminals, the monasteries the resort of dissolute youth ; we find examples of monks who made use of their exemption from tolls, to import goods for sale, or to open a tavern for the sale of beer. If any attempt was made to assail their privileges, they defended themselves with excommunication and interdict."—*Ib.* p. 276.

" Things had gone so far that the constitution of the clergy was offensive to public morals : a multitude of ceremonies and rules were attributed to the mere desire of making money ; the situation of priests living in a state of concubinage and burthened with illegitimate children, and often, spite of all purchased absolutions, tormented in conscience and oppressed with the fear that in performing the sacrifice of the mass they committed deadly sin, excited mingled pity and contempt : most of those who embraced the monastic profession had no other idea than that of leading a life of self-indulgence without labour. People saw that the clergy took from every class and station only what was agreeable, and avoided what was laborious or painful. From the knightly order the prelate borrowed his brilliant company, his numerous retinue, the splendidly caparisoned horse, and the hawk upon his fist : with women, he shared the love of gorgeous chambers and trim gardens ; but the weight of the mailed coat, the troubles of the household, he had the dexterity to avoid. ' If a man wishes to enjoy himself for once,' says an old proverb, ' let him kill a fat fowl ; if for a year, let him take a wife ; but if he would live joyously all the days of his life, then let him turn priest.' "—*Ib.* p. 277, 8.

Causes of a purely spiritual kind were also at work, which must be still regarded as external ; and these not only came in aid of the effect produced by the grosser outward abuses, but were themselves the means by which those grosser abuses came to be perceived. For those or such

as those had long been prevalent: but it required the seeing eye and the understanding mind to discern their full incongruity and noxiousness, and to raise a force against them. The invention of printing and the revival of letters imparted these. The dangerous power of a free literature was half unconsciously encouraged in Germany, merely as the fashion of the intellect imported from Italy. Erasmus cultivated with the quiet enthusiasm of his acute and polished mind, that ancient and model lore which he subsequently feared would be again buried and forgotten under a second scholastic theology, which then threatened to absorb all thinking men's attention, and which the sublatent current of his own wit and sarcasm had greatly tended to create. Reuchlin taught men Grammar and Hebrew, and the ancient standards of the Scriptures were studied with an eagerness which made them, strange to say, in effect the very chiefest of heretical books. Some very strong action of the mind, or some very potent necessity, was requisite to bring into harmony with the objects of the Reformation, the secular power which at the time of the Reformation, as at all similar times, greatly inclines to side, in the popular struggle, with the ecclesiastical power, because then, as now, not only the peace and order of society (things whose value is most felt in their disruption) are involved in the influence of religious restraints and scruples, but also because then, as now, a prince, "must have feared to undermine the spiritual basis on which his own rank and power were founded; to be first to break through the circle of ideas and associations by which the minds of men were bounded. The civil authorities felt, at every moment, the indissoluble nature of their connexion with the hierarchy, and generally made themselves the instruments of the persecution of all who dissented from the faith prescribed by the Church." This is seriously felt by all men in all ages, who possess, either from a virtuous patriotism or a selfish care, a heavy stake in the continuance of social order, and always forms with them a grave reason for an otherwise unaccountable resistance to changes, abstractly right and justifiable, and in themselves, even to their minds unobjectionable. Even in England, Wickliffe's contest with the papacy was "instantly accompanied by a tumultuous rising of the

lowest classes of the people, who, not content with reforms in the creed, or an emancipation from the see of Rome, aimed at the abolition of the whole beneficed clergy, and even at the equalization of the nobleman and the peasant." The Peasant's War, and the Carlstadt and Munzer excesses, afford the parallel from Germany.

All these external causes combined, however, could have had no effect, but for the corresponding force which grew up and finally burst out in the bosom of the Church itself. Our Italian historian does not omit to remind us that there was no living language without a version of the Bible anterior to the Reformation, and that the sale of indulgences had been forbidden at the Councils of the Lateran, Vienna and Constance.

"Contarini exposed the abuses of the courts of law, and on being told that he followed up his task with excessive ardour, he exclaimed, What! shall we trouble ourselves about the vices of three or four Popes, rather than correct abuses and gain better opinions for ourselves? It would be a difficult undertaking to attempt to defend all the actions of the Popes. It is both bigotry and idolatry to assert that they need no other guide than their own will to establish or abolish that which is lawful and right."—*Cantù*, p. 161, 2.

He also brings up in full array those humane and Christian orders which arose like beautiful but evanescent lights in the Roman Church, and truly says that "in opposing so many acts of benevolence and self-devotion to sects which doubted, denied, and destroyed, the Church of Rome appears to have had a decided advantage over its opponents;" but how can we forbear a funereal smile over the conclusion of the sentence: "nor is it unlikely that at all events there will remain a Catholic to weep over the grave of the last Dissenter." We wish dissent no better euthanasia, and a true catholicism no nobler triumph.

But that all reforms have had their origin in the Church itself, can be proved by a wider collation of facts than that by which *Cantù* seeks to establish the fact in reference to Rome. The Apostle Paul, the introducer of Christianity among the Gentiles, may be considered to have belonged to the Jewish clerisy, and Christ himself was a member of the synagogue. Wickliffe and Crammer were ecclesiastics of

the Roman Church—Baxter and Wesley were divines of the Church of England. So far is it from being true that all reforms have come upon the Church and against it, and not risen from within it, that every theological reformer of note has been an ecclesiastic of some description. To this law, and we believe it to be one, the German Reformation in its origin is no exception. It was an old Augustinian Friar, in the recesses of his convent, who turned the thoughts of his young brother ecclesiastic to the comfort of St. Paul's words, "The just shall live by faith," and this young brother wore a monkish garb while dwelling upon these words, till, as he says, "he was glad, and learned that God's righteousness is his mercy, by which he accounts and holds us justified." And thus "he gradually emerged from the gloomy idea of a divine justice only to be propitiated by the rigours of penance." Nay, it was from the very depth of Roman Catholic observance that the Reformer's spirit upreared itself. When approaching Rome he threw himself on the ground, and exclaimed, "Hail to thee, O holy Rome!" On his arrival, there was no exercise in use among the most pious pilgrims which he did not perform with earnest and deliberate devotion, undeterred by the levity of other priests. He almost wished his parents dead, that he might deliver them by his observances from Purgatory. All this, indeed, was nothing more than the energy of a dissatisfied and craving mind, determined to exhaust every instrumentality within its reach which might give it rest. It was the incipient sceptic that scrambled up the Scala Santa on his knees. He was seeking rest, and finding none. But this was the experience which enabled him to test the real efficacy to a devout and thoughtful spirit of all the means which his church offered him, and which subsequently enabled him to separate the genuine from the base; and this knowledge, so essential to the Reformer, can only be had from within the bosom of the Church that is to be reformed.

Luther's views and principles of reform were entirely those of an ecclesiastic, who knew by experience the relative religious worth of what he sought to abolish, to modify, or to retain. There was no wild anarchy in the changes he sought. The constructive was at least as anxiously put in requisition as the destructive, and judging every ques-

tion relating to abolition, retention, or modification, by a given standard, his progress was at once self-consistent and discriminatory.

"It had now to be tried whether it were possible to reform without destroying; to open a fresh career to mental activity, without annihilating the results of the labours of former generations. Luther's view of the question was that of a preacher and pastor of souls."—"He allowed that there were practices which undoubtedly ought to be abolished; such, for instance, as private masses; but that these reforms ought to be effected without violence or scandal. As to a number of other usages, he thought it indifferent whether a Christian observed them or not. That it was a matter of very small importance whether a man received the Lord's Supper in one kind or in both, or whether he preferred a private confession to the general one, or chose rather to remain in his convent or to leave it, to have pictures in the churches, and to keep fasts, or not; but that to lay down strict rules concerning these things, to raise violent disputes, and to give offence to weaker brethren, did more harm than good, and was a transgression of the commandment of charity."—*Ranke*, vol. ii. p. 35, 36.

He had also the practical knowledge of the Divine, and brought with him out of the Church the experience of man and of the human heart, which his former position was calculated to give him.

"He made it his especial business to instruct the several classes of society in their duties, on religious grounds: the secular authorities and their subjects, the heads of families and their several members. He displayed a matchless talent for popular teaching. He tells the clergy how to preach with benefit to the common people; schoolmasters, how to instruct the young in the several stages of learning,—how to connect science with religion, and to avoid exaggeration: masters of families, how to keep their servants in the fear of God: he prescribes to each and all texts for the good ordering of their lives; the pastor and his flock, men and women, aged people and children, men-servants and maid-servants, young and old; he gives them the formula of the Benedicite and the Gratias at table; of the morning and evening benediction. He is the patriarch of the austere and devout discipline and manners which characterise the domestic life of Northern Germany. What countless millions of times has his 'Das walt Gott' (That God disposes) reminded the tradesman and the peasant, immersed in the dull routine of the working day, of his relation to the Eternal! The Catechism, which he published in the year 1529,—of which he said, that he repeated

it himself with devotion, old doctor as he was,—is as childlike as it is profound, as intelligible as simple and sublime. Happy the man whose soul has been nourished with it, and who holds fast to it! It contains enduring comfort in every affliction, and under a slight husk, the kernel of truths able to satisfy the wisest of the wise."—Vol. i. p. 497-9.

Such is the lesson taught us by the Past; what fresh lesson of a different kind the Future may have for us, we can only conjecture. The nearest thing to an independent and *ab extra* movement in the Reformation was the course of events in Switzerland. Calvin and Zwingle worked with greater freedom from the old restraints; but we are not sure whether, considering the whole of human nature, and the requirements of a permanent Church, their wisdom was equal to their freedom; and whether there will not be many steps to be retraced. The ecclesiasticism of England, however, is without a parallel in history. Here, as elsewhere, reformation originated in the Church itself, stimulated of course by those causes on which we have already dwelt in reference to the condition of things in Germany at the same time. But of the three hundred years which have elapsed since this event in England, we have had nearly two hundred of contemporaneous Dissent. This Dissent, with all its activity and earnestness, exercising it must be allowed no mean influence upon the habits of the Church, has as yet effected no second reformation in it. This powerlessness on the part of Dissent must be attributed to the long lease of authority which the Church Leaders took out by their hearty though careful reforms, and to the subsequent policy, which has forborne and conceded with wise discretion as necessity dictated, always removing an evil just as it became intolerable. Those from within, then, being haunted by the consciousness of no gross or unyielding abuses, and those from without having never very long to complain of any extravagance of injustice, no irresistible demand for a further change has yet been made. Repairs have been liberally allowed for, manure has been plentifully supplied, latterly much subsoil ploughing and draining has been effected, accompanied with an extensive outlay of capital, and on the whole the land is hearty and the tenant content.

The Church of England never supplied from her state  
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within, less pretext for a destructive action upon her from without. One by one she has let or is letting her exclusive privileges go, and she has entirely ceased to ask for any additional public money. She is earnest, active and respectable. If it were not for the intense hatred which some of her "Anglican" sons create in their parishes by an old-world return to statutes, passed when the country was in a very different state from that in which it is now or ever will be again, we should say that the Church had never been filling her province so dutifully and so efficiently at any period of her past (parliamentary) history as at this moment. But, as we remarked above, the more the grosser abuses and wrongs disappear, the more keen and sensitive becomes the public consciousness of what remain. When the ground, on which an Institution was first founded and has since rested, has become completely changed, the necessity for some corresponding change in itself becomes inevitable. "All men are free and equal" is false both by nature and in fact. But all men should be free to make themselves by fair means equal if they can, is true. And this is now the motto and principle of English civilization. It is impossible to draw a *cordon* round the Church, and make her a gigantic exception in our midst to this tendency of the rest of our civilization. There are only two possible ways in which a Church can remain a national Church: one is to take the people along with her, and the other is herself to go along with the people. The Church of England at present fulfils neither of these conditions. Half of those in any way observing religion are with Dissent, Protestant or Catholic. She is as much to be blamed for differing from them as they are for differing from her. The truth is, neither are to be blamed. But we cannot stand upon the old paths, when all things around us are new. Church property, Church privileges, and the English Universities, are not to remain for ever in the hands of a moiety of the nation. The Church must busy herself to bring the people round to her, or she must take her chance in a re-adjustment of the ecclesiastical conditions of the country with them. The Dissenting Ministry is each year becoming more numerous, better educated, and more free: their societies are making similar advances. It is not to be looked for from

human nature that in the midst of equal municipal law, it will long submit to unequal ecclesiastical arrangements. If the future administrations of England follow in Church-matters the same course which the past administrations have for some time adopted in secular matters, the Church of England and the Constitution of England will still survive—not indeed the Church of the 16th Century, any more than the Constitution of that date—but the Church and the Constitution of the English People.

Still we should not have much hope in the power of these external forces, of themselves considered, (especially when taking form in the blind fury of the Anti-state-Church movement,) to effect a comprehensive and salutary reform, did we not see the corresponding power coming forth to help it from within the Church itself. This is in a great measure unconscious and unintentional, but not the less on that account effective in the fulfilment of the great end. This force from within does not show itself in the direction of constitutional or disciplinary change. There is no quarrel against Episcopacy; it works admirably for peace, propriety and order. Courts of discipline are established, abuses are watched and corrected, tithes are not so offensively collected, pluralities, non-residences, immoralities, improprieties, are all subject to a new and vigorous control. The vallies of small livings are being slightly raised, and the mountains of the large bishoprics are being lowered, and many rough places are being made smooth. The ecclesiastical courts, as affecting persons unecclesiastical, are stumbling-blocks that will not keep their places long; church-rates must go, and with these will vanish almost the only matters that bring the Church as a corporation seriously into collision with the people, so as to excite any intensity of hate. We are of course aware that to the shrewd eye of the Churchman seeing behind the scenes, and to the Argus-gaze of the Dissenter looking out for offences, this is too favourable an account. But we speak of Church and its condition, "all things considered," and in remembrance of Frederick the Third's defence of his government against complaints, namely, that "things do not go quite right or smooth anywhere." The internal tendency of the Church to a great change does not arise from this side of its affairs. It arises first of

all from its miserable uneasiness and uncertainty on the subject of its connection with the State ; and secondly, from its being utterly at sea as to what are its doctrines. The opponents of Dr. Hampden have just brought out the first of these feelings with an idiotic innocence, or a frantic contempt of consequences, that seems to point them out not so much as voluntary agents, as involuntary instruments. Mr. Miall may labour all his life, and not lay bare the Church's wound with half the cruel distinctness with which the Dean of Hereford exposed it. As the exhibition of the seamless coat at Trèves inflicted the first rent for three hundred years on the garment of the Roman Church, so Dr. Merrewether, in his desire for the unity of the Church of England, has convinced mankind that at this moment it contains the seeds of inevitable disruption or reform.

The agitation in reference to doctrine is still more deeply rooted and extensive. It is indeed contained within narrower limits, or at least takes place on more orthodox ground, than the differences of eighty years ago. Two hundred and thirty clergymen and churchmen do not now meet to petition Parliament for exemption from subscription to the articles, and the doctrine of the Trinity is not brought openly into dispute. But we look much more hopefully for reform from a convulsion among many even on less essential points of faith, than from a decided feeling among a few on the more essential : and the very demand for latitude in the interpretation of the Articles shows how loosely they are held as bonds of doctrine, and how great is the growth of freedom of thought among those who profess them as their standard. While one portion of the Church declares them Calvinistic, and the other Catholic, the observer must conclude that they teach both in part, or neither distinctly : or at least, that, whatever they teach, they have ceased to be a clear, intelligible, and authoritative guide to the creed of an English Churchman. The conflict in the Church at this moment is in essence nothing else than an unanimous craving for liberty. No man will bind himself by the Articles, except he may interpret them in his own sense, which he knows is utterly at variance from his neighbour's.

With this active state of mind in the Church, we are

perfectly content to leave the fortunes of Theological Truth. The lore of the German study, and the leaven of the English Clergyman's practical life, will make at length a very satisfactory compound. We are entirely content to remain by the side of the churchman for the period of our natural lives, like the Jew of old by the side of the Roman, knowing that his despised monotheism, under a new name, must eventually supersede the then triumphant idolatry. We will occupy our Judaea in the face of the Empire, which will never thank or recognize us, but will come in due time to the same fountain to draw its water, and to the same orb to light its torch.

We rejoice, then, to hear of "broad Christians" at Oxford, for of breadth must come charity and truth. But we dread the progress of opinion without any corresponding progress of profession, for this is heartless and immoral. The freest unbelief prevailed in the Papal Church before the Reformation, but it still preserved every form and doctrine of orthodoxy in its creeds and professions. A new and sounder theology may grow up in the English Church, and yet there be no corresponding reform; and men may put in a new kernel, and choose to keep the old shell. This were a miserable result indeed; it would be the progress of truth in a lie. But three generations of men will never follow one another, in the profession of what they do not believe. One generation may endure the fraud, but the next finds it intolerable: it throws off the profession, or, more frequently, accommodates its inner convictions to it. Many of the clergy of the Church of Scotland at the close of the last century were Arians, though subscribing the Confession of Faith: their sons rose up to call such a condition of things accursed, eschewed their fathers' heresy and dishonesty at the same time, and became in fact what they were in profession—Calvinists. The effort of Paley, appropriately put forth in an age of indifference, to make so much theological India rubber of the Articles, is in course of renewal in a generation of greater earnestness, truthfulness, and honesty. We are sorry to see it. The freedom of truth and the authority of the creed cannot go together: one or other must be given up. Yet the Author of *From Oxford to Rome* (a book of deep feeling and beautiful piety) can say of the Church

with her Thirty-nine Articles to be signed *ex animo*, and her Athanasian Creed to be received, or "without doubt," &c., "She has put no cruel restraint upon the free mind, such as to make it necessary for those who see various questions in this light or in that, to declare themselves at war with her. The things that are between God and the conscience she so leaves. It is but the belligerent doctrine of partizanship that those who receive less or more than a fixed measure of form or faith should quit or be expelled from her visible communion." "The wise and gentle Spirit of the Church of England has limited her requirement upon ordinary Christians—for we speak not of those who hold offices under conditions of subscription, though very much may be said of her generosity of *intention* there—upon ordinary Christians she lays no hand of dogmatic power: requiring only the pure expression of their faith in the Holy Trinity, and in the Catholic Church, their visible Minister—as a condition of abidance in her communion; with less who would wish to remain there? with more, rearing up on this foundation a many-storied and wide palace of glorious faith for the soul to dwell in—who need leave it?" So that *a* faith in the Trinity (and we suppose that Sabellius had a faith in it) is all that is *necessary*, and as much more as you like of anything else is *permissible*, to the English Churchman. This is in truth liberal enough, but it turns all this care and creeds of the Church into a mere dream: and Islamism, Budhism, and Christianity, could be alike professed by the aid of such a principle within its bosom.

So the Author of Trevor, who is of the latitudinarian school, (a less honest-hearted though a clearer-headed school, we take it, than that of the Puseyites, against whom that volume is directed,) absolutely ignores the Articles, the Creeds, and Canons of the Church. He makes his liberal Clergyman talk in free space, and as though no such things existed. We wish they did not exist; we trust they will not exist for ever: but it is impossible to forget that they exist at present. The Author of Trevor is very anxious about liberality, but very easy about sincerity: he forgets that the worth of a truth is neutralized by being set in a falsehood.

These various attempts to reconcile things in themselves

irreconcileable,—liberty with subscription, and a multitude of definite dogmas with the search after truth—only betray the predominant desire among English Churchmen of the present day, for individual variety and outward uniformity—liberty of thought and conformity of profession. They are not shocked at differences of opinion, they are only shocked at the honest expression of them, which they call *schism*. We trust this hollow truce will never prove lastingly satisfactory to the candid English mind—that such will not be the reformation from within to which we look, but that we shall purchase an honest unity of the spirit by an honest variety of sentiment; and when we have ceased to believe in the Athanasian Creed and the Articles, we shall cease to lie to the Holy Ghost and to the world, by pretending that we do so. Give us a broad Banner, and many may march under it. No articles can unite all men together, but a few principles may. Where there is thought, there must be latitude, real or expressed. We ask for the expression of it, and as a first step—at least the removal of its prohibition.

## ART. V.—STERLING'S REMAINS.

1. *Essays and Tales*, by John Sterling : collected and edited, with a Memoir of his Life, by Julius Charles Hare, M.A., Rector of Herstmonceux. London : J. Parker. 1848.
2. *Letters to a Friend*. By John Sterling. (*Privately Printed.*) Brighton.

THE name of Archdeacon Hare is honourably known as that of a learned churchman who has vindicated, with a noble zeal, the reputations of great men assailed by the malicious or the ignorant. He is one of the few English writers who has comprehended the manly simplicity of Luther, and placed him before us in his great dimensions of truth and tenderness : he has dispersed the prejudices which our insular dogmatism had connected with the distinguished names of Niebuhr and Bunsen, and he is almost the only person who has come out with clean hands from that wretched Hampden controversy, which has succeeded in damaging as many ecclesiastical reputations as have the political events of late years in injuring those of statesmen and politicians. Literary history, unfortunately, shows that there is nothing in intellectual occupations which tempers the violence of controversy. In the old days of fierce speech and brutal deeds, literature had its full share of atrocity, and the great names, which now rest calm in the heaven of the Past, then glowed and sparkled with infuriate zeal about matters which we should hardly think worth dispute. Yet even our smooth-spoken time has its share of literary calumny, misrepresentation, and mendacity, and the inclination to interfere, for the mere purpose of justifying the aspersed or honouring truth, is weak compared with the readiness to neglect or to condemn. And when the proverbial asperity and unfairness of theological differences is also remembered, the exceptional character of such a man as Archdeacon Hare cannot be too reverentially admired.

It is to this union of affectionateness of disposition with a strong sense of justice, that we must attribute his determination not to willingly let die the name and repu-

tation of a younger man—at first his pupil—then his clerical assistant—and till his death, through much estrangement of opinion and mental differences, his constant friend. In the solid volumes, that have an almost ponderous look in these light book-making days, he has collected the greater portion of the writings of Mr. Sterling, which were scattered in various periodicals, and prefixed to them above two hundred pages of *Life and Letters*. This, we are bound to say, constitutes the chief interest of the work—not but that the rest might well have stood alone, and that in fair comparison with the collected essays of far more notorious writers,—but we doubt whether there is any subject of modern biography more suggestive of the deepest thoughts and more adapted to the peculiar interests of the time we live in than the one before us. It is a record of a now common course of inward life as trodden by an uncommon man: it is a story of what is passing in the spirit of the men we meet every day in the street, illustrated by genius, disinterestedness, and a true love of truth: it is an example to our generation, on the one hand, of scepticism without irreverence, of the suspension of belief without querulousness, of negation without despair; and, on the other, of toleration without indifference, of love without idolatry, and of zeal without hate: such a life wants no outward incidents of “flood and field”—it has the sea of human life and the battle of the immortal soul.

John Sterling was well known at Cambridge, although he took little part in the regular studies of the University; he had been a very delicate child, and was sent to several schools at intervals, and had been under various forms of tuition; thus he came there knowing very much more than most clever boys, but not in the academic way, and he left it without university honours, but with the expectations of his friends that he would be one of the foremost men of his generation. The great practical ability he there manifested was oratory: our memory vividly recalls him as he rose in the Union Debating Society—a somewhat gaunt figure from length of limb and sallow complexion, with a bright decisive eye, a pouncing energy of action, and a voice to which constitutional disease gave that fatal clearness of depth which was so remarkable in the late

Sir William Follett. His style in speaking was, just what the speeches of young men generally are not—impressive ; the rhetoric was much less predominant and the study much less apparent than in any other of the good speakers of the society—and at that time there were many ; diversified reading, and a fund of rather a hard humour, supplied him with continually fresh illustrations, which even then gave his conversation the air of that of a man of the world, and conferred an authority on his public speeches quite distinct from the applause bestowed by youth on the exhibitions of its contemporaries.

Mr. Hare remembers seeing him standing up to his waist in the river helping to extinguish a fire, and when reproached with endangering a life, which even then seemed to hang on a slender thread, he said laughing,—“ Somebody must be here ; why not I ?” There was just this imprudence—this absence of reflection in self—this sense of doing the present thing that was to be done—in all his mental, as well as his outward existence. If things he thought true were in danger, at all risks he rushed to their defence ; if spiritual difficulties occurred in which some one must be placed,—why not he ?

About this time he made the acquaintance of Coleridge, of whom he afterwards emphatically said he owed him,—“ Education,—he taught me to believe that an empirical philosophy is none—that Faith is the highest Reason—that all criticism, whether of literature, laws, or manners, is blind, without the power of discerning the organic unity of the object.” Some valuable notes of the conversation of the “old man eloquent” are here preserved. Sterling took a leading part in the *Athenæum*, then edited by that remarkable thinker Mr. Maurice, the author of the “Kingdom of Christ,” but entirely abstained from writing in the *Times*, whose columns would have been open to him through his father, a large proprietor of, and at one time a most powerful contributor to, that chief of newspapers. On the whole he thought journal-writing injurious, especially for young, half-formed minds. “ The desultory, fragmentary kind of thinking,” he said, “ to which I am too prone, is encouraged by the habit of composition for a weekly journal, and I feel so strongly the necessity of educating myself that I should be glad if it were possible not to let a line of

mine be printed for some years to come. But I fear this cannot be. I must go on sacrificing the future to the present, grinding my seed-corn and cutting down my saplings. The time is not yet come in my case for acting directly upon others."

In 1828 he went to Paris, where he much attracted the attention of M. Cousin and other men of philosophical tastes, and the fruit of his intercourse with French society was a novel entitled "Arthur Coningsby," published later, the scene of which lay in the first French Revolution, and which introduced with much vigour and interest the ideas and personages of that epoch. The plot was bad, and showed the inherent defect of Sterling's mind to be the want of formative power, and, though worth hundreds of successful novels, it fell nearly still-born from the press.

Ten years later he took the greatest interest in the invasion of Spain by General Torrijos, whom he always regarded as a man of heroic nobleness and of statesmanly wisdom. The scheme was to erect in Spain such a constitutional Government as accorded with its ancient institutions, and that would result in the union and independence of the whole Peninsula. For this purpose a large quantity of arms were procured—Torrijos was to land with his chosen band in the south, while in the north General Mina was to arouse the districts that had so often fought for liberty. Sterling did not accompany Torrijos to Bordeaux, as Mr. Hare states, but landed with him between Bologne and Dieppe; his health totally unfitted him for going further. The whole expedition failed: the arms were seized in the Thames at the demand of the Spanish Ambassador; the southern body had hardly landed before they were betrayed. Torrijos himself, and an Englishman, Mr. Boyd, were shot at Malaga, and the rest escaped with difficulty: among these were two names now well known to English literature, Mr. Richard Trench and Mr. John Kemble. A very few years after, the principles for which these men fought and died were victorious in the Peninsula, and, if they have failed in producing the practical result anticipated, much may be attributed to the loss of such a man as Torrijos.

Sterling married, and, pulmonary symptoms dangerously threatening, he went to the West Indies, and there

he began to form the resolution of devoting himself to the Church. Assuredly that was not the form of life that he had proposed to himself in his more vigorous youth. What is ordinarily called "public life" was especially suited to his temperament and talents. He had just that readiness and aptness of mind which would have enabled him to take a fast and quick hold of subjects, and present them clearly to others, and which has such signal success in this country, even in the total absence of higher qualities. He was humorous, not from that sensitive appreciation of things which generally exposes its possessor to be continually wounded by the sharp edges and corners of the world, and keeps him sad at heart even when ministering to the enjoyment of others, but from a distinct perception of the contrasts, absurdities, and incongruities of life; and being somewhat harsh in attack, as he was bold in defence, neither giving nor taking intellectual quarter, he was eminently fit for that kind of struggle where delicacy is mostly taken for feebleness, and where the two great objects of admiration are unscrupulous action and undiscriminating repose. Whether at the Bar or in the House of Commons, Sterling would have been distinguished; or if, by any chance, he had failed, he would have found failure a source of new knowledge and enlarged wisdom, whereas in the profession he unhappily chose, he entered on a conflict, where his hands were bound at the beginning, where every blow he struck recoiled on himself, where he hung in a wretched balance between duties and duty—the duties of the service he had undertaken, and his own duty to the truth within him.

His object in taking orders seems to have been entirely of a spiritual character, for in a letter in which he intimates his intention to a friend, he says,—“Colonization and education might, I suspect, even now save England from revolution; but it will soon be too late, and I fear the Church is already doomed.” And in another,—“I have begun of late to read the Bible with diligence and unfailing interest, and have in some degree learnt by experience the power and advantage of prayer, and enjoy what I never knew before, and what even now is checkered with many fears, a brief and increasing hope that I may be able to overcome the world.” The only external influence that acted on him

was the desire of Mr. Hare to enlist such a man in the service of the Church, and the immediate prospect of working with such a friend and mate as Mr. Hare in the great work of saving the souls of fellow-men may have blinded Sterling at the time to the painful responsibilities he undertook and the encumbrances he laid on his spirit. As long as the path of plain practical duty was clear before him, all seems to have gone well: we will give the result in Mr. Hare's words and his own. He had been ordained deacon in 1834.

" During the few months that he was allowed to fulfil the duties of the ministry, he showed the same energy and zeal which he carried into everything he undertook. He was continually devising some fresh scheme for improving the condition of the Parish. His aim was to awaken the minds of the people, to arouse their conscience, to call forth their sense of moral responsibility, to make them feel their own sinfulness, their need of redemption, and then to lead them to a recognition of the Divine Love by which that redemption is offered to us. In visiting them he was diligent in all weathers to the risk of his own health, which was greatly impaired thereby; and his gentleness and considerate care for the comforts of the sick won their affection, so that, though his stay was very short, his name is still, after a dozen years, cherished by many. Here too his peculiar faculty of discerning and drawing forth latent powers was evinced in several instances, among others in that of a poor cobbler, with whom, in one of his pastoral visits, he was much struck, so as to invite him to become a teacher in our Sunday School, and who has since mounted by degrees to be the clerk of a parochial union, and superintendent registrar of the district, thankfully acknowledging that his whole rise is owing to Sterling's kind exhortation and encouragement. But the best record of his views with regard to his ministerial duties is the following paper, written while he was engaged in them, at a time when we were thinking about building an additional school, which was erected some time after, for the boys of the Parish. He was in the daily habit of noting down his thoughts and feelings on matters which interested him. Large piles of these papers he ordered to be burnt during his last illness: and perhaps this is the only one which, through a happy accident, has been preserved.

" 'The only way for a clergyman, the best way for all, to regard the parish they live in, is as a Church, in the primitive Christian sense of the word; that is, a community of people called by God's grace from the world, that is, from following their own desires, their own theories, their own interests, to the acknowledgment of the true

spiritual end of man's existence, made known to us and attainable by us through Jesus Christ,—this end being a moral union with God. This view ought to determine all our outward duties ; and if it were allowed to do so, which could only be by our having inwardly the mind of Christ, it would perpetually serve in return to awaken us to more lively personal communion with Him, and imitation of Him. The only adequate examples I know of how the Spirit of God, if not resisted and grieved by us, would lead us to regard our relations towards our fellow members in our particular Church, are those of the great apostles, Paul, Peter, and John. I consider it no small calamity, that men are commonly so persuaded of the total difference in kind between the work of God's Spirit in the hearts of these men, and in those of all other Christians, that laymen have altogether, and clergymen almost, ceased to regard them as models for us, except in their abstinence from acts of sin. A little knowledge and reflection will prove the erroneousness of this view ; and every mind which feels any earnest sympathy with them, has a witness in itself that it is called to a like kind, however inferior an extent of action. Now let us bear this in mind, and consider how one of them, say St. Paul, would be likely to act, if placed in another age than his own, and confined to one small division of country, in short, if he were in the situation of a modern parish priest. Is it not plain that he would substitute, for his former wide excursions, the greatest possible intensity of influence in detail ? It would be no longer from Jerusalem to Damascus, to Arabia, to Derbe, Lystra, Ephesus, Philippi, Athens, Corinth, Rome, that he would travel : but each house would be to him what each of these great cities was,—a place where he would bend his whole being, and spend his heart, for the conversion, purification, elevation of those under his influence. The whole man would be for ever at work for this purpose, —head, heart, knowledge, time, body, possessions,—all would be directed to this end ; and, except so far as other duties, viz., those to a family, interfered, to this end alone. And if Paul would have done this,—each of us ought to try to do so. Of course none of us is a Paul ; but we may be perfectly like him in will, however meaner and weaker in faculties. The iris in the dewdrop is just as true and perfect an iris, as the bow that measures the heavens, and betokens the safety of a world from deluge. I conceive that a Paul would have been for ever moving from house to house to do his Master's work ; but there are doubtless two particular departments, which peculiarly require an apostolic faithfulness,—I mean worship, and education, in each of which there ought to be much of the other. But with the adults in the weekly service devotion should be the chief, and teaching the inferior, element ; while with the young in schools the opposite proportion must be established. In

each case the two should be inseparable ; and the Church and the School itself should be considered to be so intimately related, that each implies the design of establishing the other ; a design so gravely and deeply held, that its execution should be retarded by nothing but the absolute and hard necessities of outward life. Too long in England (and here alone, I believe, of Protestant countries) the Church dragged on its maimed and sickly existence without the School ; and we are now suffering for the sinful omission, in the attempt to set up the School as a substitute for and rival of the Church. What then would Paul have said, had he been placed in a parish where the school was wanting ? Would he have talked about it, dined, slept, talked about it again,—or about something else,—and done nothing ? and that too while the Church was there, as a memorial of the “completing counterpart” so deeply needed ? while he had the pulpit of the Church as a fulcrum for his lever, with which to move, if it could not be done otherwise, the very tombstones of his hearers’ fathers, as materials for that no less necessary, or less holy temple,—the temple of the young ? Nor do I suppose the case would have seemed to him much better, if half or a third of the children, the lambs of his flock, were receiving a nominal education. But the matter will not bear talking of : it is too plain. Would he have had silver in his house, or luxury of any kind, the worth of which might enable him to supply the want ? These things so used, or locked up from use, seem rather the “hay, straw, stubble,” than the gold and precious stones that he talks of, as materials of the spiritual structure. What then should we do ? I cannot doubt ; and yet I dare not answer. For while I write, and try to convince myself, I feel and know how many more opposing weaknesses and self-delusions I have within, than my words would seem to acknowledge, or the notion of my sincerity would admit. I often think myself ready for any sacrifice, yet give way the next minute to some paltry temptation of temper, or indolence, or pleasure, or vain-glory. And even in meditating on the mind of the Apostles, I dare not calculate how much of my own wish for their zeal, and for doing their works, is a mere selfish lust of activity, or a desire for the praise of men. So that this, like so many other speculations and projects, must end, I fear, only in a prayer to God, to pardon the sins I have committed, while the thoughts have been passing through my mind,—and to give me the honest heart and single eye, without which all attempts to serve him are miserable hypocrisy.

“Of that which it was to me personally to have such a fellow-labourer, to live constantly in the freest communion with such a friend, I cannot speak. He came to me at a time of heavy affliction, just after I had heard that the brother, who had been the

sharer of all my thoughts and feelings from my childhood, had bid farewell to his earthly life at Rome; and thus he seemed given to me to make up in some sort for him whom I had lost. Almost daily did I look out at his usual hour for coming to me, and watch his tall slender form walking rapidly across the hill in front of my window, with the assurance that he was coming to cheer and brighten, to rouse and stir me, to call me up to some height of feeling, or down into some depth of thought."

We have given this extract at full length, as affording an interesting picture of the smoothest, if not the happiest, portion of Sterling's life. There are many persons, and his biographer may be among the number, to whom it will be a source of boundless regret that enfeebled health compelled him to give up this salutary, active life, and almost forced him into the region of study and contemplation. They will believe that if a continuance of this life of daily duty had been vouchsafed to him, the demon of doubt which afterwards entered into him and rent him so sorely would have been converted into the docile angel of faith. From this opinion we must dissent: the elements of disturbance were already there; the appetite for truth, the intolerance of sham, the courage that confronts unpopularity and misrepresentation, the self-confidence that makes light of calumny, were all there; but the sensibilities that check the iconoclastic spirit, and the humility that distrusts its own logical inferences, and the mystical imagination which idealises idolatry and purifies superstition, were not there, and, by the very nature of his mind, could not come. Sterling would have been a doubter in a far more positive age than ours, and it is vain to imagine that any immediate spiritual occupation could have blinded him to the realities of biblical criticism and the imperative consequences of philosophical speculation. No wonder, however, that he should have looked back on the months of his ministry, at Herstmonceux, as "the one sabbath of his life"—no wonder that he loved some shrub above all others, because it used to make the green about Mr. Hare's library, "all white with fallen flowers"—no wonder that he should have indulged that common delusion by which we fix upon some portion of our life as islanded in the stream of time, and believe that there at least we might have rested undisturbing and undisturbed.

After he left his curacy he began a volume of Discourses on Revelation and a Treatise on Ethics; neither, we believe, were completed, but the writing them led him through a long and useful course of German reading, which gradually affected his views of religious history and doctrine, though he clung long to the old land-marks, and seems to have much rejoiced in coming in contact with a mind like Tholuck's, which was able, as he then thought, to reconcile the orthodox ground of Christianity with freedom of thought and inquiry. The "True Initiation of the Doubter," (edited by Dr. Pye Smith under the title of "Guido and Julius") comforted him so much that he translated it throughout: its exposition of the reality and depth of Sin touched and satisfied him—not so its treatment of Redemption. "I do not find Tholuck," he says, "as full or satisfactory as I could wish on this matter—the doctrine of substitution appearing in him with too much nakedness."

He writes to Mr. Hare in 1836:—

"I will own to you that the more I go into the Old Testament, the more ground I find for hesitating about the great physical miracles, from the apparent mixture of alloy in the narratives, their slight outward authority, and the difficulties of any scheme that would furnish a previous ground for the facts, and yet account for the imperfection of our record of them. But I am far from giving the thing up; for it is impossible to overlook the continuity of the faith in a revealed Monotheism among the Jews from Abraham to Christ, or to doubt that scientific enquiry and inward experience bring out more and more the reality and exclusiveness of his claims as the Son of God, and the Redeemer of mankind. I would give much for a commentary by Tholuck or Olshausen on the Old Testament similar to that of the latter on the New. . . . I must have much misrepresented myself, if I said anything at all resembling the notion that the Jewish colouring of the Gospel arises only from the *accidental* circumstance of our Lord's birth in Judea. My difficulty is to imagine how any one can think so, considering that, in any other part of the world, he must have begun, like Paul at Athens, by preaching an "unknown God," and that probably the only and indispensable point of transition for the early Churches beyond Judea from Paganism to Christianity was the Faith of the Proselytes of the Gate, and the yearnings of those with whom, though unconverted, the Jews had intercourse, for further knowledge of the One and Righteous God of Israel. But for the spiritual faith and ethics of the Jews, it seems to me

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that there would have been nothing in the Old World with which the New could connect itself; and the Gospel would have dropt from the clouds like a meteoric stone, instead of rising into view as the purest portion of a vein coeval with the Creation, and of which everything else is but, as it were, the ore or the dross. But the obscurity to my mind lies in this—that, in the very proportion in which the Hebrew records afford clear and lively evidence of this evangelic element in the Old World, in the same degree they are free from the mixture of the prodigiously miraculous; and therefore one cannot but ask whether the physically marvellous be not a separable alloy. I am far from denying the possibility, that in the earliest times, and especially at the great epoch of the constitution of a Monotheistic nation, all things may have been in a more outward state, and connected themselves necessarily with more visible manifestations of the spiritual system around us and within us; and that the evolution of the Inward through the Visible into amazing phenomena may have been the necessary characteristic of such a period, and the only mode of bringing home to men's apprehensions the idea and reality of a Will and Reason ruling our nature, and the kindred archetype of the peculiarly human in man.—You have now, very roughly and slenderly, stated what is *my* difficulty in the matter; and any hint you can give me towards the solution will be more acceptable than rubies. But I must add, that any painfulness of interest in the question arises entirely from the state of opinion on the matter in this country; as no possible view of it would, to my mind, one whit weaken the security of the Gospel, any more than the overthrow of the old notion of the uncompounded and elemental nature of atmospheric air could tend to impede the breathing of the undeceived philosopher.' A like train of thought is carried on somewhat fancifully in the following remarks: 'I have just read Schleiermacher's beautiful and affecting discourse at his son's grave. I know nothing more perfect or precious. In a minor way it is striking to see how so unfanciful (I do not say unimaginative) a man is hurried into imagery by feeling. It is in a great degree the want of faith, hope, and love, that makes people write on religion in a style suitable for bills of lading and kings' speeches; and it was partly the fulness of these in the Prophets that gave them their visionary and symbolic style.'

Disease now came fast upon him, and, but for the powerful will with which he confronted the evil, it would soon have prostrated him. One winter at Bourdeaux, another at Madcira, another in Italy, delayed its progress, and all the while his mind enlarged in breadth and advanced in

boldness of speculation. The following extracts from his letters speak for themselves, and are most valuable from the constant presence of personal piety of heart accompanying the development of the understanding. If Sterling had been more imaginatively reverential, that feeling would probably have effectually checked the critical faculty, but as this had full play within him, it is most admirable to observe how it never for a moment degenerates into presumption or flippancy: he never forgets that the things he is handling are of God.

"I constantly meditate (he writes in November 1836) longer and more connected performances, and of late have been speculating chiefly on the possibility and propriety of at last breaking the charmed sleep of English theology by a book on the authority of the Scriptures. I sent to England for a volume on Inspiration, lately published by a learned dissenter, a Dr. Henderson. He means well enough, but merely takes the old ground, and makes no attempt to meet the obvious objections as to discrepancies, &c.; and he is evidently much more afraid of offending his brethren by his denial of liberal dictation, than of disappointing intelligent inquiries by leaving all their doubts unanswered. But make it ever so plain that, in upsetting this dead idol, one was striving for Christianity, and not for critical and historical science merely, yet I am persuaded that any clergyman caught in the fact must abandon all notion of acting for the future in any ecclesiastical function. It has struck me that, if my life should be prolonged, as I must probably, at all events, relinquish all public ministration, I might perhaps be peculiarly well situated for trying to do some good of the kind, to theology. The materials are all prepared and abundant in the books of the Germans. I find that I could not conscientiously publish the things I wrote some time ago about the Old Testament. The earlier portions of it seem to me too uncertain to justify me in professing that thorough and religious faith in them which I do not entertain. Christianity, however, has lost none of its value in my eyes; and I read Schleiermacher with increased satisfaction. I have been looking into Bayle; he is a strange fish, with no more heart or imagination than a slug, and yet honest and goodnatured.

..... Much more diffused as Christian-life is probably in England than in any other country, we are perhaps rather hasty in jumping to the conclusion that what there is, is more advanced than on the Continent. Of course I am not speaking of the mass in either case, but only of those whose minds are habitually governed by a love for the will of God, as revealed to us in Christ. It is very difficult to form any comparison from personal experience; and I sup-

pose as to numbers, if there is one such person in Britain out of fifty, there may be one in five hundred on the Continent. But if I were to judge from the religious books in England and Germany, which are far more attainable and certain grounds, I should say that the Christianity of the one country more resembled the apostles before Pentecost, and that of the other the matured mind of Paul or John. However this may be, I will own to you,—for I do not know why I should not deal with you in all sincerity,—that I find myself more and more removed from all the views in which the Church of England divines differ from the foreign Protestant churches. I cannot trace this tendency to any corrupt self-indulgence of my own, but find that the more I endeavour to draw near in heart, mind and life to the Saviour, and the more earnestly I strive to know and do the will of God, the less I seem disposed to admit anything like the claims of the hierarchy, venerable though it may be as a monument, and useful as an instrument; or to believe in any nominal outward institution, by Christ or the apostles, of rulers and teachers in the church. The divine authority of such, seems to me merely identical with their evangelic value. I write these things because I know you would rather have the conclusions of a sincere mind, than the compliance of a hypocritical one. I feel no pleasure, but great pain, in differing from so many of the wisest and holiest of my countrymen, but I dare not lie for God. . . . .

“I have been too much driven about by illness and distraction to fix my mind on speculations of this compass. I still feel, that if I had health and books, one of the best services I could render to England would be a full exposition of the relation in which the Bible stands to Christianity. I do not think any preliminary volume of sermons would supply the place of that evident and deep conviction of the Gospel, which must be seen and felt to underlie the whole enquiry. This would satisfy the few who are at once intelligent and conscientious; and the rest nothing will satisfy but servile acquiescence.”

From Madeira he writes of the Bishop of St. David's History of Greece as follows, and continues with his favourite speculations.

“I have read Thirlwall's second volume, which has filled me with admiration. It is droll to see the dull puffs printed by the publishers, in which a writer as great as Thucidydes and Tacitus, and with far more knowledge than they, is lumped with Moore and Mackintosh and Sir Walter Scott. Even for my peculiar objects, there is more valuable material and fructifying principle in the book, than in almost any I know; and besides the overflowing knowledge, there is throughout a glow of austere enthusiasm, characteristic of the very highest minds. . . . .

"I have not written a word, or read many pages, as to theology, but have thought a good deal, and with much satisfaction. On many points I am not less sceptical, perhaps more than ever; but I have, on the whole, a lively and progressive confidence in Christian truth, and enjoy so much peace, clearness, and activity, that all clouds appear to me not portions of the sky, but obscurations of it; and therefore sure in time to vanish. I seem to see distinctly that the hour must come for the disclosure to England of a scientific theory of the Bible; which however will not, in my view, directly affect the faith of the multitude, but will certainly modify all our theology and theological no-education. I hold it nearly immaterial for the ultimate result, whether the revolution shall be brought about by the writings of an infidel, or of a scientific believer; but of course most important for the believer's own being, if he should do the work, not to feel or write, even momentarily, as an infidel. I can, I trust, sincerely affirm, that I am in heart as ready to receive the whole narrative of the Pentateuch as that of Paul's preaching at Ephesus and Athens, if the grounds of belief were equal; but where there is a clear conviction of the reason, I feel less and less inclined to approve of our entire and contented suppression of one's opinion on such subjects. I find the Evangelicals I have fallen in with here more tolerant than I expected, when they are satisfied that a man is sincere in heart, and not a concealed scoffer."

From Rome he writes very characteristically, showing how little he was affected by the pomp of symbolic or artistic splendour, in connection with religion:—

"How the aspect of modern Rome, the churches, the ceremonies, and the papal court, should produce any of the Romanising appetite is to me a puzzle. I have seen the Pope in all his pomp at St. Peter's, and he looked to me a mere lie in livery. The Romish controversy is doubtless a much more difficult one than the managers of the Religious Tract Society fancy, because it is a theoretical dispute; and in dealing with notions and authorities, I can quite understand how a mere student, in a library, with no eye for facts, should take either one side or the other. But how any man, with clear head and honest heart, and capable of seeing realities, and distinguishing them from scenic falsehoods, should, after living in a Romanist country, and especially in Rome, be inclined to side with Leo against Luther, I cannot understand."

Sterling, nevertheless, had had a foreboding that his residence at Rome would exercise a considerable influence over him, and so it did. Poetry and fine literature, which for some years he had cultivated with distrust and almost with

unwillingness, now rose before him as his real mission and object in life. One of the strongest proofs of this change was his return to the admiration of Goethe he had felt in his youth, and which had been afterwards overlaid. It now came back and increased, and never left him again. Heinrich Heine says somewhere, "I take Goethe just as I do Nature, as a test of the minds of other men.—I find out what a man is by hearing what he thinks of Goethe"—an exaggerated view to most Englishmen, but nevertheless true. We have something of this feeling ourselves about Shakspear, and his is the only name that can stand by that of Goethe in its power to rescue the individual from contending passions, to present the world in its full-orbed completeness, to show Truth in its manifold unity and Nature consummated in Art. On returning to England Sterling wrote the *Essay on Carlyle*, perhaps the most remarkable of this collection. "Those," he says, "who do not understand it will of course dislike it—and perhaps those who do, may still more bitterly disapprove it. But though I expect to lose friends and gain enemies, I am glad of having spoken out what seems to me true." He adds that it was written in the midst of distractions of all kinds, and under frequent pains and languors, which necessitated strong explosions of will to control them, "such as can hardly have failed to give an over-violent, broken, harsh and altogether excessive character both to the style and opinions."

About this time a book fell into his hands which, perhaps above all others of our time, has most affected the intelligences that have been brought to bear upon it. What the "Contrat Social" was to the polities of the last century, Strauss's "Life of Jesus" has been to the theology of ours. They both stirred the mass from the very bottom. The stake was driven down implacably to the lowest depths: through the surface of decent formulas, through the crusts of ordinary reverence, through the strata of daily habits and life-long traditions, through the foundations of almost universal public opinion, this remorseless criticism struck and pierced. Mr. Hare calls it a book of moral mire, which he who reads through cursorily, or with "no higher principle than a mere love of knowledge," cannot go through without pollution, and devotes some most eloquent pages to the "dim and perilous way" of studies

such as these, which he evidently mourns in spirit that Sterling should have ever entered on. But it is most clear that neither of the motives here reproved led Sterling into these investigations ; in *his* mind curiosity and love of knowledge were so entirely fused in the love of truth, and he was so far from being able to take pleasure in "picking holes in the New Testament, in fabricating absurdities, in detecting or devising inconsistencies and contradictions," such as Mr. Hare attributes to Strauss, that if he had found but these things in the book, he would have thrown it aside at once with indignation and with scorn. It is indisputable that Strauss's book treats the whole solemn subject it undertakes to elucidate with a cold anatomy that argues a great deficiency in the mind of the author, and with an occasional levity quite unworthy his philosophical pretensions ; it would also be difficult to adduce any more striking examples than it contains of the danger of adapting the great motive events of the world to any especial theory, however wide its application ; but at the same time we find it hard to say, that it was an unfortunate event that such a book engaged the attention of such a mind. If men like Sterling are not capable of reading the work of Strauss, who are ? If he, whose critical faculty was ever subordinated to respect for personal holiness, could not read this book unharmed, are we not forced to the opposite conclusion that all negative theological writing is to be eschewed and discountenanced ?

There was a time in the history of the Church when the critical handling of any one Roman Legend met with as much objection, and was as repulsive to popular religion, as in our days the philological and historical criticism of the Bible ; and, although we do not pretend to deny the advantage of the transition even from one superstition to another, or to deny that in certain respects the infallibility of the Book is open to less abuse than the infallibility of the Man, yet unless we are ready to submit the testimonies of our truth to the same scrutiny to which we formerly subjected the witnesses of what we found to be error, we cannot be said to be really paying God a "reasonable service," and showing "reasons for the truth that is in us." The whole question turns upon the duty of the search after Truth. We remember an article on Blanco White, in the

Christian Remembrancer, attributed to Mr. Moseley, (the former editor of the British Critic,) in which this point was fairly met, and where it was explicitly stated that "the love of Truth in fallen men is a corrupted affection, just as natural love is; it betrays the selfish element: his mind annexes truth to itself, and not itself to truth; it considers truth a kind of property—it wants the pride of making it its own; it treats it as an article of mental success: it loves it as its own creation, and as the reflexion of itself and its labours." Would that all our opponents stated their case thus candidly! This is the real ground of controversy, and only by the decision of it can we determine whether such men as Sterling and Blanco White were right or wrong, for good or for evil. Of course this is not a field on which such a contest can be fought; but in one form or other it is daily going on about us, and men are really engaged in it who are apparently thinking of far other things. The Germans are at this moment contending in arms for that personal liberty which we so long have enjoyed; and we may in time become partakers of the spiritual freedom which has rescued them from their practical thraldom. But while we anticipate with joy this emancipation of human thought, let us not be represented as advocating a general habit and practice of scepticism as either morally or intellectually beneficial. So far from it, we should just as earnestly discourage the disturbance of a mind content with synthesis and tranquil in the fulfilment of its religious instincts, as we should urge on the free enquiry of a critical and adventurous spirit. To induce any one happy in faith, and perhaps destitute of the critical faculty, to overthrow the edifice by which he is sheltered, and expose himself to the free airs of heaven, is a most solemn responsibility. Pure iconoclastic zeal makes light of such distinctions, and therefore causes unutterable misery: truth may be ultimately victorious, but its path has been over the wrecks of human souls. If this can be avoided, by all means be it so; but it is one of the most grievous effects of superstition, that, when the time comes for withdrawing the veil, the light only dazzles and confounds the sight of many who might have been gradually led to sustain it, if they had been impressed with the duty of confronting it, when they once knew it was there.

Besides the Letters in these volumes, a small number addressed to a dear relation have been printed by him for private circulation ; they bear with great force on this and similar points. Sterling's correspondent was deeply imbued with what are commonly called evangelical views, and it is thus delicately that his elder friend approaches the subject :—

“ Among the very many theories of Christianity which I have seen, there are few that seem to me to have any superiority over the one you urge, and none more compatible with the highest personal conscientiousness and devotion. There are certain parts of your view, which, I think, you will have to modify ; but I have no wish to hasten any such change. Live and learn ! You have yet read but a few of the great schemes on these enormous matters, which must be more or less understood, by any one who is to possess the secure sense of commanding the best knowledge attainable. More than half of all German theology, for the last fifty years, has turned upon the controversy about the literal accuracy and plenary inspiration of the book we call the Bible. On the nature and degree of its authority, depends, in great part, the religious doctrine of every Christian. No English book gives a plausible share of this kind of information. After long and very painful resistance of mind, I was forced to admit, that if I am to follow honestly the best light afforded me, I must own there is error in the Scriptures, and that the denial of this, is, in an adequately instructed man, a mere *lying for God*,—one of the most absurd and suicidal of all human superstitions. As long as you do not believe that there is any mistake in any part of the sacred volume, you are bound to accept it as a sufficient and unfailing guide. If you ever change this view, you will be driven to seek for a body of truth discernible by its own splendour, and learned by its experienced power, which shines on all sides, through the darknesses and difficulties of the letter, but is distinguishable from this outward covering. How much precisely, of our common orthodox theology, you may see reason to include in this eternal revelation, if you should ever come to acknowledge it at all, no one can predict for you. But I may add this hint, that no one worth arguing with, ever, so far as I know, suspected the divine Hebrew Redeemer of any kind of misstatement of facts, or untenable pretensions. Whether his words have, in all cases, been reported with perfect accuracy, is a question which I need not here enter on. You will see that I have written to you very openly, and I do so in the hope that you also will tell me of what passes and ripens in your mind.”

We give entire the following letter written later, when

he found his friend determined to adventure boldly on the ocean of religious truth.

“MY DEAR W—,

“You are entering on a journey which will not soon be ended ; and in which you must, in the main, work out your progress for yourself. It is one which occupied many years of my life, and with all the labour and pain it cost, and all the perplexities in which it has involved me, and, worse perhaps of all, the diminished cordiality of some of the friends whom I most love and value, I cannot lament that I have, on the whole, preferred hard won and unpopular truth to easy and convenient acquiescence. One undertaking I refer to is, you will readily guess, that of ascertaining for oneself the several degrees and kinds of importance and worth, to be assigned to all the elements comprising what is called, in the lump, by the multitude of our day, Christianity. In reading Strauss, however, you are not beginning at the beginning, but rather plunging headlong into waters where you may, for a time, find more difficulty in swimming, and will certainly not soon reach a firm shore. You will hardly expect or wish me to give you even a slight sketch either of the scientific and critical theology of Germany, which indeed I am very incompetent to explain ; or of the results which my study of it has produced on my own convictions and feelings. Unless you are inclined to study the subject seriously and perseveringly, you can gain little good by meddling with it at all. And I see far too many difficulties in the way of all distinct and positive opinions to believe that mine are a fit model for any one else. What I can fairly say to any one I at all confide in, is this :—

“I.—That the progress of thought and of investigation has made untenable for instructed men any view of Christianity, not resting its claims mainly on an assertion of the suitableness of the Christian scheme to the higher and better demands of the conscience, and the sanctified reason ; that all theologies must henceforth and for ever be rejected, which propound any arbitrary inscrutable plan of divine government, and reject the consideration of the conformity of the mind of God to the most benevolent and reasonable views of a wise and good man.

“II.—That the Bible is not an immaculate perfect document, but contains errors of statement and of opinion. Reduce this Scriptural fallibility within limits however narrow, yet our theology must be something else than belief in the whole Bible ; and the creeds and traditions of the early church are quite as open to criticism, and as clearly marked by defect and error, as the volume of either Testament.

“This belief must of course seem painfully strange and wrong to all who have not gone through the same studies, the same distressing

anxieties, and reluctant concessions as myself. But what can I do ? You ask my opinion. Before God or man I can say nothing but the truth, and being altogether convinced that this is true, I dare not lie for God, or deceive any brother, who, in love and faith, seeks for what knowledge, bitter though it be, I have it in my power to give him. All my interests, prejudices, and even nobler wishes and hopes, long fought against that amount of latitudinarian doctrine to which I found that conscience was gradually compelling me. May you gain wisdom at the price of less suffering ! I must add, that though much in Strauss is extremely rash and questionable, his view, judging him from the third German edition, cannot, I think, justly be likened to Platonism. Even if all he alleges were true, still it would remain fixed that Christ was not the teacher of an intellectual theory, adapted only to the few speculative minds, but the assertor of a practical morality and religion fitted to all mankind, and, at the same time, of higher import than any philosophical system ; and secondly, that he did not merely teach this truth, but realized and fulfilled it in his own life. May we each, in his own small task, work as faithfully as he in the largest ever accomplished on earth.

“ Yours faithfully,  
“ J. S.”

Again, in another letter, he writes (and to us with especial interest)—

“ We know by experience, no secession either into Romanism, or Evangelical Dissent, or common Unitarianism, will lead to any flagrant consequences in the public at large. The case would be very different if any one were openly to take up the cross of Neology, and bear it before the eyes of men ; all the other controversies of theology have worked themselves out among us, and we know what is the utmost result that can arise from them. But there are many and increasing signs that the greater battle is at hand. Among the active and energetic Unitarians of the North the whole question of scriptural authority has already come to be debated, and some of them are maintaining forcibly that the belief or disbelief of miracles is a point quite indifferent to practical Christianity, and only a topic of speculative discussion for learned men.”

On the other hand, we give two passages, showing with what anxiety, we might almost say fear, Sterling anticipated the spread of mere negations among the young and among the poor. The first was an answer to the same friend, who seems to have questioned him with regard to the education of children within or without the limits of

popular belief around us : the other to Mr. Hare respecting the religious destitution of the lower classes in this country. How wise is their caution of troubling the peace of faith by harsh and rude intrusions ! How just is their toleration of ideas themselves intolerant,—and how different a picture they exhibit from what is vulgarly believed to be the presumption of scepticism ! When will men learn that the earnest inquirer in religion will ever be humble, and that he has the most chance of being spiritually proud who believes that he possesses a treasure of truth denied to others ?

“ On the whole, the bias of my mind is not to break so decidedly as you suggest with the prevalent modes of faith ; but tacitly to acquiesce in much that I inwardly care little for, or think erroneous, of course without affecting any earnest zeal in such compliances, and without attempting to implant deeply in the minds of my children what may some day, though not at an early period, be again rooted up. If I felt myself called on to found ostensibly a new sect or school, no doubt one would act differently ; but if I secure a free sphere of action in my own department, that is all that I hold essential, and I will not quarrel with the world on other matters, but rather try to live peaceably with all men. One is not without precedent for this course, from the lives of Christ and the Apostles, to say nothing of Socrates ; and yet the founders of the church were directly and avowedly teachers of a new religion, which I am not. Moreover it seems worth considering, that we both believe the moral and devotional side of Christianity to be full of truth and goodness, and we cannot say beforehand, how far any of our children will have the intellectual strength to separate this from the elements which the practice and creed of all about them present, as inseparable from it. I am anxious not to deprive them of a popular faith before ascertaining that they are capable of one more philosophical. The majority of persons are not strong minded enough, nor the majority of minds in circumstances to apprehend the combination of lax latitudinarianism as to the history of religion with earnest elevation of faith and feeling as to its eternal ideas. .... Furthermore, I do not at present feel that my peculiar task is to come forward as a teacher of rational idealism purged from all arbitrary and superstitious admixtures ; and I consequently do not make it my great business, which, were that so, I ought to systematize and defend these views : yet this I should probably be forced to undertake, were I to make an instant and indiscriminate avowal of all I think upon the subject, which would be inevitable were I to bring up my children in the rejection of all but the inner miracles of the spiritual man.”

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"The at least seemingly successful attack made by Strauss on much of the scriptural narrative makes it a desperate engine among uncultivated minds for overthrowing the whole of Christianity. They are now translating it for the poor, and in their dreadfully untaught state the ruin of historical religion will appear to involve the fate of all moral obligation. The accounts I hear from very competent persons, of the utter absence of any religious feeling and any kind of thought among huge masses of the manufacturing poor, daily amaze me; and my own knowledge of the state of some of the peasantry, combined with this kind of information, goes far to satisfy me that all our institutions have been almost entirely worthless for humanizing the poor as a class. We never have had any form of religion since the Reformation efficient among the poor; and it seems probable that any fit for the purpose must assume a very different shape from that which the Clergy generally are as yet prepared to acknowledge. It is said that Wesleyanism is now not at all progressive; and, so far as I can learn, no kind of fanaticism, providing any serious check on brutality, makes way in the large towns of the North. What will come of it all, who dares prophesy, or almost guess? Arnold, I believe to have been one of the very few, perhaps the only man in England, seeing the whole evil, and prepared to make such changes in the Church-system as might possibly have rendered it effectual for its nominal purpose among those who most need a moral reform. Here the real Church is Wesleyan, but over three-fourths of England there is, I fear, none."

We have said little of the poetry of Sterling, not only because it does not form any part of these volumes, but because it was neither the best thing he did nor what most expressed the reality within him. Mr. Hare writes, "His poems were mostly rather the imaginative expression of predetermined moral and philosophical truths, than the spontaneous utterance of a poetical mind, in whose creations the concrete, living, personal interest precedes and predominates over that of any abstract reflective propositions."—And he himself, in a previous letter, said, "I am very glad you can find satisfaction in the poems: to me they have never been very joyous, and are now almost entirely distasteful. When I think of 'Christabel,' and 'Hermann and Dorothea,' I feel a strong persuasion that I deserve the pillory for ever writing verses at all." Mr. Hare does not mention a poem called the "Election"—a vigorous Crabbe-like production, which, at the time, was attributed to Sterling.

One of the most interesting characteristics of this biography is the continual allusion to several men who will leave their stamp on age and language. This correspondence with them was frequent and precious, and continued to the last. A few days before his death he wrote:—

“There was a note from Carlyle not long since, I think the noblest and tenderest thing that ever came from human pen. Mill’s letters have been almost equally remarkable, and, considering the man, are perhaps much more so. Newman has been all in word and deed that man could be. A letter of Emerson had more heart than one would suppose could be found in all America. Trench, in spite of much inward and outward separation, has shown himself what he always was, one whose feelings are pure as crystal and warm as the sun. Of the Maurices, and my brother, I need not write. But the knowledge of how they all felt has been a real and constant comfort at the times when I most wanted it.”

In one week Sterling had lost both wife and mother: this twofold blow falling on him already so enfeebled, might well have crushed him at once, but he rose majestic amid the ruins. He said to his children, “he must now try to be a mother as well as a father to them:” on the evening after the funeral he added, “If I am taken from you, God will take care of you.” The sense of duty kept him up some little time longer, and he removed to Ventnor, in the Isle of Wight, as an improvement in climate and to vary the scene. He never came away; the winter passed without any alarming attack, but in April 1844 a violent haemorrhage took place, and he lingered till September. The intermediate time was a beautiful and instructive spectacle of patience, wisdom, and love. “Is it wrong,” he asked, when forbidden to see his children and friends, “to pray that this cup may pass away? But I hope I may be able to submit and endure. By far my greatest privation, independent of the unspeakable one that ended my Falmouth life, is the want of all society with my friends.”—And in a note of that date, he said he had gained but little good from what he had heard or read of Theology; but what gave him the greatest comfort were these words in the Lord’s Prayer—“Thy will be done.”

One more extract from the last or nearly the last of his letters to this true friend.

"Much of the last three months has been spent in recollection of my friends, and with more unmixed thankfulness than for any blessing of my life, except my marriage. The faces of the poor people at Herstmonceux have also recurred to me very often, especially of some whom I saw dying there. Though with so much less of outward comfort, their patience exceeded mine; yet on any ground I have little to complain of. This world lies even now clear and bright before me, and, being good in itself, is the preclusive image of a still better one. It will be a most blessed release when I am called away, for I cannot hope ever again to be of the smallest use in this world. Farewell! You can never know the fondness with which I recal the minutest portion of our intercourse. We shall meet again, be well assured. Christianity is a great comfort and blessing to me, although I am quite unable to believe all its original documents. I am thankful for all things, and hope much."

The character of the biographer will always, more or less, affect that of the object of his work, inasmuch as it will naturally direct his attention principally to those points in which he is most interested. Thus, if this Life had been entrusted to a person whose religious feelings were not so strong as Archdeacon Hare's, and whose attention leant to the literary side of Sterling's mind, it is probable that on the whole, a more complete notion of the man might have resulted. Sterling's temperament was not essentially religious—hardly philosophical; he was, above all things, a logical, practical man, to whom mysticism was nonsense, and even enthusiasm distasteful; we say this, even though his many-sided estimation of what is good and great enabled him to honour Santa Teresa and Huntingdon S. S. His bad health led him into his profession, and his profession gave his thoughts the prominently religious direction they would not naturally have assumed. The present life, with its struggles and its victories and its defeats, with its loves and animosities, with its affections and its interests, was ever dear to him, and he lost no sympathy on the brink of the chasm that may destroy all. He did not tell any one to look "How a Christian should die," but he showed that the spirit of reverence, though unsubstantiated in forms, and the sense of piety, though unsatisfied with doctrines, and the love of truth, though unratiified by rapturous faith, can sustain the heart of man in the mo-

ments of supreme conquest of mind over matter, and enable him to pass into the dark far future, with awe, but without fear. We give the close in Mr. Hare's simple and affecting narrative, and heartily recommend the book to the attention of all students of the heart of man, and especially to those who are interested in the great spiritual movements and contentions of our time.

"On the 16th of September there was a great and sudden increase of weakness, which convinced him, and those around him, that the end was at hand. In this conviction he said: 'I thank the All-wise One.' His sister remarked, the next day, that he was unusually cheerful. He lay on the sofa quietly telling her of little things that he wished her to do for him, and choosing out books to be sent to his friends. On the 18th he was again comforted by letters from Mr. Trench and Mr. Mill, to whom he took pleasure in scribbling some little verses of thanks. Then, writing a few lines in pencil, he gave them to his sister, saying, 'This is for you; you will care more for this!' The lines were—

" Could we but hear all Nature's voice,  
From Glowworm up to Sun,  
'Twould speak with one concordant sound,  
'Thy will, O God, be done!'

But hark! a sadder, mightier prayer,  
From all men's hearts that live,  
—'Thy will be done in earth and heaven,  
And Thou my sins forgive!'"

These were the last words he wrote. He murmured over the last two lines to himself. He had been very quiet all that day, little inclined to read or speak, until the evening, when he talked a little to his sister. As it grew dusk, he appeared to be seeking for something, and on her asking what he wanted, said, 'Only the Old Bible, which I used so often at Herstmonceux in the cottages; and which always lay on the table by his side. A little later his brother arrived from London, with whom he conversed cheerfully for a few minutes, after which he was left to settle for the night. But soon he grew worse; and the servant summoned them to his room. He was no longer able to recognise them. The last struggle was short: and before eleven o'clock his spirit had departed."